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#### **BY HAND**

Barbara A. Kreisman, Esq. Chief Video Services Division Mass Media Bureau Federal Communications Commission 1919 M Street, N.W. Room 702 Washington, D.C. 20554

**Re:** MM Docket No. 93-191

Amendment of Section 73.606(b), Table of Allotments

TV Broadcast Stations (Pueblo, Colorado)
Comments submitted by AK Media Group, Inc.

Dear Ms. Kreisman:

AK Media Group, Inc. ("AK"), licensee of KKTV(TV), Channel 11, Colorado Springs, Colorado, by its attorneys and pursuant to your letter dated August 10, 1998, hereby submits its Comments to the Response filed on September 18, 1998 by University of Southern Colorado ("USC") and Sangre de Cristo Communications, Inc. ("SCC") (the "USC/SCC Response") regarding the above-referenced channel exchange proceeding.

# I. This Proceeding Should Not Consider the Cheyenne Mountain Site Specified in the USC Construction Permit Unless That Expired Permit is Extended

The USC/SCC Response makes the assumption that the channel swap, if approved, will include the USC construction permit for a transmitter site on Cheyenne Mountain. Indeed, all of the technical information provided in the USC/SCC Response assumes a channel swap where USC's KTSC(TV) would broadcast from the former KOAA(TV) site on Baculite Mesa and SCC's KOAA(TV) would broadcast from the KTSC(TV) construction permit site on Cheyenne Mountain.

The Notice of Proposed Rulemaking in this matter, Notice of Proposed Rulemaking, Amendment of Section 73.606(b), Table of Allotments, TV Broadcast Stations, (Pueblo, Colorado), MM Docket No. 93-191 (released July 31, 1993), specifically stated that the channel swap would

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<sup>&</sup>lt;sup>1</sup>The time for submitting these Comments was extended through October 16, 1998.

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be considered solely on the basis of both KOAA(TV) and KTSC(TV) operating at sites on Baculite Mesa if the channel swap were approved. NPRM at ¶ 7. The NPRM was very explicit that the USC construction permit on Cheyenne Mountain was being excluded from consideration in the channel swap proceeding. Id.

The USC/SCC Response appears to presume that the Cheyenne Mountain construction permit is to be considered as part of the instant proceeding because of the United States Circuit Court of Appeals for the District of Columbia's decision in <u>Sangre de Christo Communications, Inc. v. FCC</u>, 139 F.3d 953 (D.C. Cir. 1998), which remanded this matter to the Commission for further consideration. However, that is clearly not the case.

It is important to note that the initial Notice of Proposed Rulemaking specifically stated that the USC had not operated KTSC(TV) from the Cheyenne Mountain site specified in the construction permit. NPRM at ¶ 7 n. 4. The NPRM also stated that USC had filed an application for an extension of this construction permit which was then still pending. Id. The NPRM correctly noted that, in the absence of a showing by USC that either a) it has completed construction and testing is underway or it has made substantial progress toward completing construction or b) that reasons clearly beyond USC's control have prevented construction and that all possible steps have been taken to resolve the problem and to proceed with construction, USC simply does not qualify for an extension of the construction permit. Id. Because USC had not begun operation from the Cheyenne Mountain site specified in the construction permit and the extension of the construction permit was at least problematic, the NPRM concluded that it was "appropriate" to propose to modify the USC/SCC channel swap proposal to specify the site in USC's outstanding license for KTSC(TV) (on Baculite Mesa), rather than the construction permit site for KTSC(TV) on Cheyenne Mountain. NPRM at ¶ 7.

Nothing in the Circuit Court's recent decision in <u>Sangre de Cristo</u> suggests that the <u>NPRM</u> was incorrect in excluding the construction permit site on Cheyenne Mountain from consideration in the rulemaking proceeding because of the issues surrounding the unbuilt facilities and the pending USC application to extend the construction permit. Indeed, the issue of whether the USC construction permit should be extended has never been resolved by the Commission.

It would be inappropriate for the Commission to take the USC Cheyenne Mountain construction permit site into consideration in this proceeding until a determination has been made on the question of whether the USC construction permit will be extended. As things stand now, the construction permit expired 5 ½ years ago -- on February 28, 1993. Unless the construction permit is extended, any question about the construction permit -- including service gains and losses that allegedly would result if KOAA(TV) is permitted to move its transmitter to the construction permit

<sup>&</sup>lt;sup>2</sup> This application for an extension, BMET-930216KE, which AK opposed, has never been acted on and is still pending as of the date of these Comments. The construction permit at issue expired by its own terms on February 28, 1993 -- some 5 ½ years ago.

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site on Cheyenne Mountain -- is moot.<sup>3</sup> The only time the issue of such gains and losses would not be moot is if the construction permit for the USC Cheyenne Mountain site were extended at least to the present time -- an extension of over 5 ½ years. Thus, the issue of whether the Cheyenne Mountain construction permit will be extended has become the pivotal threshold question which must be resolved prior to any consideration of the Cheyenne Mountain construction permit site in this proceeding. Only if the construction permit were so extended would any consideration of the Cheyenne Mountain construction permit have any possible relevance to this rulemaking proceeding.

In his Report and Order, the Chief, Allocations Branch, held that the issue of whether the Cheyenne Mountain construction permit should be extended was not properly part of the rulemaking proceeding. Report and Order, 10 FCC Rcd 7662 (1995) at ¶ 11. The Commission, in its Memorandum Opinion and Order, did not specifically address this issue. 11 FCC Rcd 19, 649 (1996).

Heretofore AK opposed consolidation of USC's application for an extension of the construction permit with this rulemaking proceeding. As noted above, the <u>Report and Order</u> agreed with AK's position in that regard. AK continues to oppose such consolidation of the application for extension of the Cheyenne Mountain construction permit with the instant rulemaking proceeding.

Under these circumstances, the Commission should either refuse to consider the Cheyenne Mountain construction permit in this rulemaking proceeding or hold the instant rulemaking proceeding in abeyance until it decides whether to grant USC's application to extend the construction permit. If the construction permit were not considered in this rulemaking proceeding, the channel swap application would become moot because USC and SCC have stated clearly that they will not consummate the channel swap unless it includes the assignment of the construction permit to SCC. September 3, 1993 Joint Comments of University of Southern Colorado and Sangre de Cristo Communications, Inc.

If this rulemaking were held in abeyance until the issue of the construction permit extension is resolved, and if the construction permit were to subsequently be extended, then the Commission could proceed to consider the rulemaking proceeding at least knowing that there is a construction permit to possibly consider as part of its decision making process. If the construction permit were not extended, the issue of the construction permit -- and indeed this entire rulemaking proceeding -- would become moot.

While the Commission, in theory, could reverse the <u>Report and Order</u> and decide to consider the extension of the Cheyenne Mountain construction permit in this rulemaking proceeding. The

<sup>&</sup>lt;sup>3</sup> Since USC and SCC have explicitly stated that they have no interest in the channel swap unless the Cheyenne Mountain construction permit is part of the swap, September 3, 1993 Joint Comments of University of Southern Colorado and Sangre de Cristo Communications, Inc., if the Cheyenne Mountain construction permit is not extended, the entire rulemaking proceeding is moot.

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Report and Order correctly pointed out that the question of whether USC qualifies for an extension of the construction permit under Section 73.3534 of the Commission's Rules involves questions unrelated to the rulemaking proceeding. Report and Order at ¶ 11. Since the decision in the Report and Order not to consolidate the application to extend the construction permit with this rulemaking proceeding has not been reversed by the Commission, this decision should be left undisturbed as law of the case. If the Commission were to reverse the decision in the Report and Order and decide to consider in this rulemaking proceeding the issue of whether to extend the Cheyenne Mountain construction permit, the Commission should afford all of the parties to file pleadings in this proceeding that specifically address whether USC had demonstrated that it qualifies for an extension of the construction permit under Section 73.3534 of the Commission's Rules.

Because neither the <u>NPRM</u> nor any subsequent order of the Commission has consolidated the issue of the extension of the construction permit with the instant proceeding, AK will not address the merits of this issue in this letter. AK will simply note that resolution of the issue of whether the construction permit should be extended is a condition precedent to any consideration in this proceeding of technical information, such as that in the USC/SCC Response, which assumes that KOAA(TV) would be operating from the USC construction permit site on Cheyenne Mountain if the channel swap were approved.

- II. This Proceeding Should Not Consider Purported Service by KTSC(TV) or KOAA(TV) Which Would Be Provided Through Use of Translators or Other "Alternative Video Services"
  - A. Any Purported Provision of Service by KOAA(TV) and KTSC(TV) by Translators Should Not Be Considered

The USC/SCC Response contains technical information which purports to show service that would be provided post-channel swap by KTSC(TV) and KOAA(TV) through the use of translators. In doing so, USC and SCC have ignored the clear statement in the NPRM that gains from translators would not be considered as part of the rulemaking proceeding because translators are a secondary service which are subject to displacement and thus are too speculative to be considered in the context of the rulemaking proceeding. NPRM at ¶ 9. The Report and Order specifically declined to consider translator service because translators are secondary services which are subject to displacement and concluded that "it would be inappropriate to consider them here." Report and Order at ¶ 24. The Commission in its Memorandum Opinion and Order also based its analysis of losses in first commercial service if KOAA(TV)'s transmitter was moved to Cheyenne Mountain entirely in terms of primary over-the-air service and without any consideration of translator or other alternative video services, thus clearly rejecting USC's and SCC's argument that service provided by translators and other alternative video services should be considered in determining service gains and losses in the proceeding. Memorandum Opinion and Order at ¶ 9. Therefore, the Commission's decision that it was in appropriate to consider translators when determining service gains and losses is law of the case and should be followed. The attempt by USA and SCC to reargue this issue therefore should be rejected.

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The Commission's decision not to consider translator and other alternative video services in this proceeding is consistent with prior representations made by SCC to the Commission. As SCC itself stated in Exhibit No. 4 ("Request for Grant Pursuant to Satellite Exemption") to its February 26, 1988 FCC Form 314 Application for consent to assignment of the construction permit for KPCS-TV, Pueblo, Colorado, BAPCT 880226K4 (the "SCC 1988 Exhibit No. 4"),<sup>4</sup> "[i]n a number of cases, the Commission has held that a licensee cannot rely on translators to offset losses of existing service." Exhibit No. 4 at 15 n. 12.<sup>5</sup> SCC argued in 1988 that this Commission refusal to consider translator service as an offset of existing service makes sense because "[n]ot only is the technical quality of the service from a translator inferior to that of a full service satellite station; translator operations are by definition secondary, subject to displacement by full service stations." 1988 SCC Exhibit No. 4 at 14.

# B. Proposed KTSC(TV) Service Via Translator K30AA, Colorado Springs, Should Not Be Considered

The USC/SCC Response relies heavily on the post-channel swap fill-in service gains that KTSC purportedly would provide through its use of translator K30AA, Colorado Springs, which is currently being utilized by KOAA(TV). According to the Response:

As part of the [proposed channel] exchange, KOAA(TV) also will donate to USC its translator station, K30AA, operating on Channel 30 in Colorado Springs. K30AA has been used by SCC since 1979 to provide fill-in service to areas of Colorado Springs that KOAA(TV)'s signal cannot reach due to shadowing caused by terrain near Austin Bluffs in Colorado Springs and Security, a town to the south of Colorado Springs. The translator provides supplemental service to approximately 334,077 people and an area of 929 sq. kilometers in Colorado Springs. With this translator, KTSC(TV) will be able to improve significantly its service to these shadowed areas in Colorado Springs.

#### USC/SCC Response at 6.

Thus, the USC/SCC Response seeks to leave the impression that translator K30AA will provide satisfactory fill-in service to over one third of a million people in Colorado Springs and that the Commission should consider the alleged supplementary service which the translator allegedly would provide. It is rather surprising that SCC would make such glowing claims for translator K30AA when, just a few years ago, SCC was arguing to the Commission that translator K30AA was

<sup>&</sup>lt;sup>4</sup> The Commission denied SCC's application. <u>tvUSA/Pueblo Ltd.</u>, 4 FCC Rcd 598, 65 RR2d 1550 (MMB 1989), <u>aff'd</u>, <u>tvUSA/Pueblo Ltd.</u>, 5 FCC Rcd 7457, 68 RR2d 1086 (1990).

<sup>&</sup>lt;sup>5</sup> A copy of the relevant pages of the SCC 1998 Exhibit No. 4 are attached hereto as Exhibit I.

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not a "satisfactory long-term solution" to KOAA's inability to provide adequate service to large parts of the Colorado Springs area due to shadowing. 1988 SCC Exhibit No. 4 at 12. In 1988 SCC further told the Commission that "[t]he power restrictions placed on translators' operations (47 C.F.R. § 74.735) limit its [K30AA's] effectiveness in providing a satisfactory signal, particularly at increasing distances when signal attenuation becomes significant." Id. (Footnotes omitted). SCC then argued, based on tests, that "[e]ven with K30AA's 1,000 watts of power, there are still serious reception problems in Colorado Springs . . . ."

1988 SCC Exhibit No. 4 at 13.

The 1988 SCC Exhibit No. 4 provided still more information about the deficiencies of K30AA in the topographic and regulatory environment present in Colorado Springs. According to SCC:

[t]he power limits on translator operations are particularly significant in newly developed areas, where restrictive covenants generally prohibit use of outdoor antennas. While information on the terms and extent of such regulations are difficult to obtain, Attachment 6 includes examples of typical regulations in several new subdivisions. Even these selected subdivisions will have a total of over 20,000 dwelling units, none of which will be able to utilize outside antennas. . . . KOAA-TV cannot reach these viewers, and K30AA will not provide substitute service, because relatively low powered translator signals simply cannot be received adequately on indoor rabbit ear antennas. . . Complete service to the newly developed northeast quadrant of Colorado Springs thus requires operations with power at a level permissible only for full service television stations.

#### 1988 SCC Exhibit No. 4 at 13-14.

Given SCC's prior statements to the Commission regarding the inadequacies of the service provided by translator K30AA because of the unique circumstances present in Colorado Springs due to the mountainous topography and restrictive covenants preventing at least tens of thousands of housing units from having the outside antennas necessary to receive a satisfactory signal from K30AA, the Commission simply cannot consider any fill-in service gains by KTSC(TV) which purportedly would result from USC's operation of K30AA. This information provided to the Commission by SCC in the 1988 SCC Exhibit No. 4 underscores and validates the NPRM's conclusion that alleged gains in service attributed to translators are too speculative. Indeed, the 1988 SCC 1988 Exhibit No. 4 submission to the Commission demonstrates that much of the purported fill-in service resulting from the proposed operation of translator K30AA by USC is less than speculative; it is illusory.

In light of the Commission's prior decision not to consider translator service in this proceeding and the serious deficiencies in the quality of the fill-in service provided by translator K30AA identified by SCC in the 1988 SCC Exhibit No. 4 SCC submitted to the Commission in the tvUSA/Pueblo Ltd proceeding, the question of whether translator K30AA could be displaced by a full

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power television station is not a material one which needs to be resolved in this proceeding. AK believes that the possibility that translator K30AA could in fact be displaced by a full power station validates both SCC's 1988 criticism of reliance on translators and the Commission's decision not to consider translator service in this proceeding. Nevertheless, AK provides the following information and analysis regarding possible displacement of translator K30AA.

The USC/SCC Response acknowledges that there is an application pending for authority to construct a new full power television station on Channel 32 to serve Pueblo. USC/SCC Response at 7 n. 12. The USC/SCC Response further concedes that ". . . it is uncertain when or if this application will be granted. <u>Ibid</u>. Thus, any reliance on the continued operation of translator K30AA would be speculative.

With regard to possible displacement of translator K30AA as a result of a full power analog station converting to digital television, the future of K30AA again can only be described as speculative. The current allotment of Channel \*22 for La Junta, Colorado is vacant. In Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Sixth Report and Order, MM Docket No. 87-268, 12 FCC Rcd 14588 (1997), the Commission allotted DTV Channel \*30 to La Junta. The Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Memorandum Opinion and Order of Reconsideration of the Sixth Report and Order, MM Docket No. 87-268, 13 FCC Rcd 7418 (1998), petitions for reconsideration pending, did not allot DTV Channel\*30 -- or any other DTV channel -- to La Junta, Colorado. The apparent reason for this decision to discontinue an allotment of a DTV channel for La Junta was the fact that there is not a construction permit for unbuilt Channel \*22. If a construction permit is issued for NTCS Channel \*22 in La Junta, the Commission apparently would then proceed to allocate a DTV channel for the permitee of Channel \*22. Since DTV Channel \*30 apparently would be available for allocation, there is a chance that the permitee of NTSC Channel \*22 in La Junta would be allotted DTV Chanel \*30. The USC/SCC Response concedes that it is "uncertain" whether the initial allotment of DTV Channel \*30 to La Junta in the Sixth Report and Order is still relevant to the continued operation of translator K30AA. USC/SCC Response at 7. Once again, the secondary nature of translator service which the NPRM, the Report and Order and the 1988 SCC Exhibit No. 4 all state makes translator service speculative requires the conclusion that the chance of displacement of translator K30AA is always present and cannot be ignored. The USC/SCC Response's assertion that if the Channel \*30 allotment at La Junta were valid and activated, "the interference caused to either the La Junta DTV station or K30AA would be de minimis," USC/SCC Response at 7, is an overstatement of the USC/SCC Engineering Statement. In fact, the Engineering Statement, which reports that a Lu Junta DTV allotment of Channel \*30 would be short-spaced to the translator K30AA transmitter site by 80.6 kilometers, is more cautious and tentative: "Even if the allotment [of Channel \*30 at La Junta] is activated, it is not expected that the DTV facility would cause or receive more than de minimis interference to and from K30AA." USC/SCC Engineering Statement at 6 (emphasis added).

In light of the serious deficiencies in the quality of the fill-in service provided by translator K30AA identified by SCC in the 1988 SCC Exhibit No. 4 submitted to the Commission in the

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tvUSA/Pueblo Ltd proceeding and the secondary nature of translator service, there simply is no basis for consideration of the purported gains in service that would be provided by KTSC(TV) which allegedly be provided by translator K30AA. Therefore, no purported gains to KTSC(TV)'s service attributable to translator K30AA should be considered by the Commission.

# C. Proposed KTSC(TV) Translator Service to the Western Slope Should Not Be Considered

The USC/SCC Response also argues that gains in KTSC(TV) service provided by proposed translators on the Western Slope in Colorado also should be considered. USC/SCC Response at 6. This argument ignores the fact that USC filed applications for four Western Slope translators independently of this proceeding, certifying its financial ability to construct and operate the translators and apparently intending to do so whether or not the channel swap with SCC was approved. Report and Order, at ¶ 7 n. 18 and ¶ 13 n. 28. Under these circumstances, attempting to attribute any gains in service for KTSC(TV) related to the Western Slope translators to the channel swap clearly flies in the face of the evidence and cannot be accepted by the Commission.

### D. Any Alleged Gains in Service Attributable to Cable or DBS Service Should Not Be Considered

The USC/SCC Response also claims that cable service and DBS service should be considered when determining any losses in service that would occur if the channel swap were approved. Once again, this argument by USC and SCC directly contradicts the position that SCC took in 1988 in the 1988 SCC Exhibit No. 4. At that time, SCC argued that:

the possible availability of cable service in the shadowed areas is likewise no substitute for free off-the-air service. Residents of the shadowed areas should not be forced to subscribe to cable service in order to receive programming intended to be available to them without charge.

1988 SCC Exhibit No. 4 at 15-16 (footnotes omitted).

In addition, the cases cited in the USC/SCC Response for consideration of cable service in determining losses in service, make it clear that, even if cable and other alternative video services were to be considered, the party claiming that alternative video services such as cable reduce a loss area must provide information on the number of actual subscribers who receive the alternative service. KTVO, Inc., 57 RR2d 648, 650 (1984). As is discussed in greater detail below, while the USC/SCC Response provides glittering generalities about cable service and DBS service availability and penetration, it provides no information on the actual number of cable subscribers and DBS subscribers in the loss area who otherwise would have no commercial service. Thus, the purported availability of cable service and DBS service as alternative video services is not enough to permit the

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Commission to consider a reduction in the loss area due to cable and DBS service.<sup>6</sup>

## E. The Commission Should Not Consider the Five Translators Proposed in the USC/SCC September 27, 1993 Joint Reply Comments

The USC/SCC Response asks the Commission to take into consideration five translators proposed in the September 27, 1993 USC/SCC Joint Reply Comments filed in response to the Notice of Proposed Rulemaking. USC/SCC Response at 4. This proposal was made subsequent to the issuance of the NPRM and after comments had been filed by AK's predecessor and Pikes Peak Broadcasting. In other words, USC and SCC are asking the Commission to give them the right to become a "moving target" and to be able to keep changing their proposal in response to deficiencies identified in their earlier proposals for the channel swap. Clearly, SCC and USC do not have the right to continually modify their channel swap proposal after the NPRM was issued. In addition, the Memorandum Opinion and Order did not take these proposed five translators into account and instead focused on the loss of primary off-air service. Memorandum Opinion and Order at ¶ 9.

Thus, in the <u>Memorandum Opinion and Order</u> the Commission already has made it clear that it will not consider these five proposed translators. Given the Commission's reasoning with respect to the secondary nature of such service and it conclusion that such service is speculative, and SCC's prior negative statements about the efficacy of translators, this decision by the Commission clearly is reasonable. Again, this decision by the Commission not to consider proposed translators is law of the case and should be left undisturbed.

## III. The Engineering Data Show a Large Loss of Only Primary <u>Commercial Service with no Offsetting Gains in First Commercial Service</u>

AK Media previously has provided detailed engineering studies showing that if SCC is permitted to move its transmitter site from its current location to the USC construction permit site on Cheyenne Mountain, 29,367 people would lose KOAA(TV) over-the-air service -- their only off-air primary commercial service. The engineering exhibits previously submitted by AK in its September, 1993 Comments and Reply Comments<sup>7</sup> are provided herein as Exhibits II and III respectively. The

<sup>&</sup>lt;sup>6</sup> The USC/SCC Response provides no authority for the proposition that DBS service should be used to reduce a service loss area. The USC/SCC Response does not even purport to claim that DBS service to areas that would lose their only primary over-the-air commercial service would provide subscribers with the signal of a commercial station licensed to either Pueblo or Colorado Springs -- or even for more distant Denver. Provision of HBO or MSNBC is no substitute for a Colorado based television station which would provide "local" news and public affairs programming.

<sup>&</sup>lt;sup>7</sup> Subsequent to 1993, KKTV, Inc. was merged into Ackerley Media Group, Inc., which later changed its name to AK Media Group, Inc.

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USC/SCC Response provides an engineering exhibit which shows that the number of people who would lose their only over-the-air primary commercial service would be 23,102 considering the construction permit engineering or 17,070 using the application for modifying the construction permit specified facilities. The Commission already has ruled that whether the number of people losing primary off-air service is almost 18,000 or over 29,000 is not significant in the public interest analysis. Memorandum Opinion and Order at ¶ 9 n. 8.

The USC/SCC Response argues that this loss of off-air primary service is not dispositive in part because "[a]t least 5 existing television translators (listed in Figure 2(c)(2)) currently provide commercial or noncommercial service to 10,423 people in the NBC loss area created by the Permit Facilities and 10,012 people in the NBC loss area created by the Application Facilities." The clear implication of the USC/SCC Response is that the vast majority of the 10,423 people in the NBC loss area created by the Permit Facilities and the 10,012 people in the NBC loss area created by the Application Facilities are already receiving commercial television service via translators. That is not the case, since one of the existing translators which provides service to 680 people in both the Permit Facilities loss area and in the loss area created by the Application Facilities (K15EC), is licensed to USC and is providing noncommercial service. A second of the existing translators (K03FR) also is licensed to USC and is providing noncommercial service to 58 persons in the Permitted Facilities and Application Facilities loss areas. Yet another of the existing translators which provides service to 8,969 people in the NBC loss areas created by both the Permit Facilities and the Application Facilities (K35DZ) is licensed to Full Gospel Outreach, Inc., which is providing noncommercial broadcasting service. See Exhibit IV at Exhibit #3 for a description of each translator in the loss area, including its licensee and its status as commercial or noncommercial.

Thus, even if current translators in the KOAA(TV) loss area were taken into consideration, USC's and SCC's own numbers show that 21,886 people in the Permit Facilities loss areas would lose their only off-air commercial service and that 16,715 people in the Application Facilities loss areas would lose their only off-air commercial service. Therefore, the USC/SCC Response masks the actual impact of the channel swap. Such a large population losing its only off-air commercial service, even taking translators into account (which the Commission has declined to do in the proceeding) clearly is not in the public interest.

The USC/SCC Response then attempts to take the analysis one step further by claiming that SCC will implement five new translators in the KOAA(TV) loss area. As the SCC/USC Response admits, USC and SCC attempted to sell this five additional translator scheme in its September 27, 1993 Joint Reply Comments. The Commission in its Memorandum Opinion and Order refused to accept this proposed translator argument and instead considered only primary off-air service. Since

<sup>&</sup>lt;sup>8</sup> These numbers require acceptance of the USC/SCC Response's statement of the number of people in the KOAA(TV) loss area who will not receive primary off-air commercial service, which is significantly lower than the number set forth in the engineering statement provided by AK (29,367). See Exhibit III at Exhibit #2.

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the Commission clearly had the opportunity in its <u>Memorandum Opinion and Order</u> to approve the SCC five translator scheme and did not do so, it is law of the case that these five translators proposed to provide secondary service in the KOAA(TV) commercial service loss area should not be considered on remand.

The USC/SCC Response's analysis of the effect of cable service and DBS service also is fatally flawed. As noted above, for the Commission to even consider cable service, the proponent has to show the number of actual cable subscribers in the loss area. KTVO, 57 RR2d at 650. Since the USC/SCC Response has failed to provide information on the number of actual cable subscribers in the loss area or how many of those subscribers are not within the service area of a translator, Commission precedent therefore requires that cable service not be considered. Even if the Commission were to consider DBS service as equivalent to translator or cable service (and USC and SCC provide no authority for such consideration), once again the USC/SCC Response fails to provide any information on the number of actual DBS subscribers in the loss area or how many of those subscribers receive translator service or subscribe to cable. Thus, as with cable service, the USC/SCC Response provides no basis for consideration of DBS subscribers in defining the loss area and population.

Finally, the USC/SCC Response claims that under the channel swap and using the Permit Facilities 1,272,075 people would gain an NBC service; with the Application Facilities 1,438,796 people allegedly would gain an NBC service. The USC/SCC Response does not disclose how many other commercial services the people in the claimed gain area already receive. All the USC/SCC Response concedes is that under the channel swap and assuming KOAA(TV)'s transmitter is located on Cheyenne Mountain,"KOAA(TV) would provide a second NBC signal to a majority of the NBC gain area and a first NBC signal to a small portion of the NBC gain area in Lincoln County (assuming construction of the Application facilities." USC/SCC Response at 4. Thus, by their own admission, the channel swap with use by KOAA(TV) of the Cheyenne Mountain transmitter site will not provide any first commercial service. Since USC and SCC did not even attempt to quantify the portion of the service area in Lincoln County which would receive a first NBC service, this purported first NBC service cannot be considered at all. The AK engineering statement (Exhibit IV at Exhibit # 2) reflects that the KOAA(TV) gain area is indeed already well served by up to 17 television stations and that there is no discernible public benefit from this additional service that could outweigh the substantial loss in first commercial service that would result from the implementation of the channel swap proposal with KOAA(TV) relocating its transmitter to Cheyenne Mountain.

## IV. The Engineering Data Show that Most of the Gain Area for KTSC(TV) is Already Well-Served

The SCC/USC Response claims that under the proposed swap and considering KTSC(TV) as moving from KTSC(TV)'s existing facilities on Baculite Mesa to KOAA(TV)'s existing facilities on Baculite Mesa, there will be a net gain in non-commercial service of 5,324 people. USC/SCC Response at 6. Engineering information submitted by AK shows that the number of people who would receive a first primary off-air non-commercial service is substantially smaller: 2,906 people.

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Exhibit II at Exhibit #2.

As noted above, the USC/SCC Response's references to proposed KTSC(TV) translator service on the Western Slope should not be considered because USC filed for the applications for those translators independent of this rulemaking proceeding. Also as mentioned above, translator K30AA has been the subject of much highly derogatory criticism by SCC in the past and therefore is highly suspect and should not be considered at all as a way to reach shadowed portions of Colorado Springs. Finally, as demonstrated above, the Commission already has made a determination not to consider proposed translator service in this proceeding.

### V. Conclusion

The transmitter site on Cheyenne Mountain should not be considered as part of this rulemaking proceeding until a determination has been made as to whether USC's application to extend its Cheyenne Mountain construction permit, which expired on February 28, 1993, will be granted or denied. If the application to extend the construction permit were denied, this rulemaking proceeding would be moot.

Even if the construction permit site on Cheyenne Mountain is considered as part of this proceeding, which AK submits should not be done, prior Commission determinations which are law of the case preclude consideration of proposed translator service in determining the extent of service gains and losses.

The Commission has a fundamental policy that ". . . once in operation a station has an obligation to maintain service to its viewing audience, and that the withdrawal or downgrading of service is justifiable only if offsetting factors associated with the proposal establish that the public interest will be benefitted." <u>KTVO</u>, 57 RR2d. at 649. The Commission also has made it clear that <u>any</u> loss of service is *prima facie* inconsistent with the public interest. <u>Coronado Communications</u>, 8 FCC Rcd 159, 71 RR2d 1250,1254 (Chief, Video Serv. Div. 1992).

The above analysis shows that there will be a substantial loss of first commercial service by a large number of viewers if KOAA(TV) is permitted to move its transmitter to Cheyenne Mountain as part of a channel swap with KTSC(TV). The loss of the only off-air primary commercial service would be 29,367 persons according to AK's engineering (Exhibit III at Exhibit #2) and as low as 17,070 according to the USC/SCC engineering, which assumes Application Facilities. The Commission has already ruled that the differences between these numbers is not significant. Memorandum Opinion and Order at ¶ 9 n. 8. By contrast, the gain in first off-air noncommercial service for KTSC(TV) under the channel swap would be only 2,906 persons. (Exhibit II at Exhibit #2.) Thus, the proposed channel swap permitting KOAA(TV) to locate its transmitter on Cheyenne Mountain would result in a substantial loss of first primary off-air commercial service which is *prima facie* not in the public interest while the gain in first off-air noncommercial service by KTSC(TV) would be far less. Therefore, using the engineering information supplied in these Comments and the USC/SCC Response, the proposed channel swap is not in the public interest.

Barbara A. Kreisman, Esq. October 16, 1998 Page 13

Please contact the undersigned if you have any questions regarding the information contained in these Comments or if you need additional information.

Respectfully submitted,

AK MEDIA GROUP, INC.

James L. Winston Walter E. Diercks

Its Attorneys

#### Enclosure

cc: (w/encl.): Clay Pendarvis, Esq.

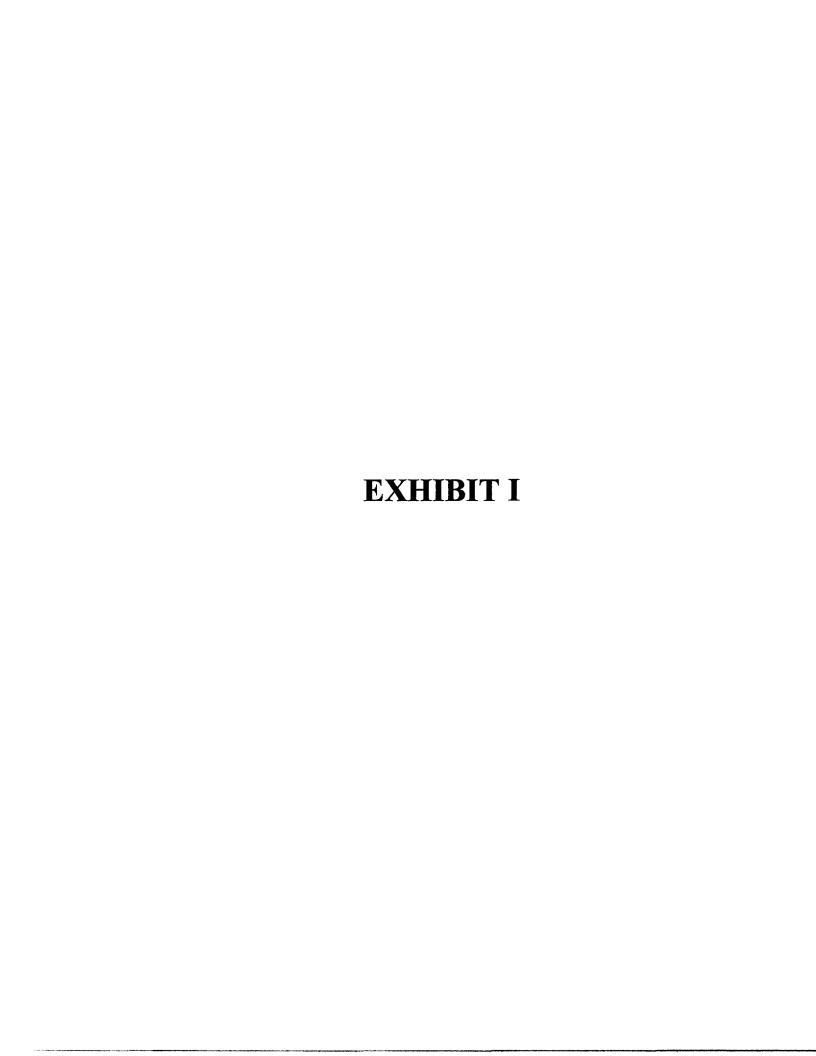
Mary M. Fitzgerald, Esq.

Malcolm G. Stevenson, Esq. (Counsel for University of Southern Colorado)

Kevin F. Reed, Esq. & Elizabeth A. McGeary, Esq. (Counsel for Sangre de Cristo,

Communications, Inc.)

Richard Hildreth, Esq. (Counsel for Pikes Peak Broadcasting, Inc.)



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February 26, 1988

Federal Communications Commission 1919 M Street, N.W. Washington, D.C. 20554

RECEIVED

880226

Gentlemen:

FEE SECTION

We transmit herewith, in triplicate, an application for assignment of the construction permit for Television Station KPCS-TV, Pueblo, Colorado, from tvUSA/Pueblo, Ltd. to Sangre de Cristo Communications, Inc. This application requests that it be granted pursuant to the "satellite exception" set forth in Note 5 to Section 73.3555 of the Commission's Rules and Regulations.

A check in the amount of \$500.00 is attached to cover the associated filing fee.

Questions concerning the assignor's portion of the application should be addressed to:

> Barry Friedman, Esquire Wilner & Scheiner Suite 300 1200 New Hampshire Avenue, N.W. Washington, D.C. 20036

Questions concerning the assignee's portion of the application should be addressed to the undersigned.

Very truly Yours,

REC'D MASS MED BUR

KFR/clw

cc:

Barry Friedman, Esquire

MAR 4 - 1988

PUBLIC REF ROOM

### APPLICATION FOR CONSENT TO ASSIGNMENT OF BROADCAST STATION CONSTRUCTION PERMIT OR LICENSE (Carefully read instructions before filling out form — RETURN ONLY FORM TO FCC)

						-	
Section I		GENERAL INFORMATIO	GENERAL INFORMATION				
Pa	rt I — Assignor			FEE NO:	MEN		
1.	Name of Assignor tvUS	SA/Pueblo, Ltd.		PEE TYPE:	500.	00	
			-	ID SEQ :	11		
	Street Address c/o E	Hanna, Inc.	City	10 000			
ئے	7, 90, M, A, D, IS, Q	Ņ , ĄV , Ę ŅU , Ę	N, EW, , Y	O R K	<u> </u>	1	
	State	Zip Code	Teleph	none No.			
	N , Y	1, 90, 2,1	-	te area code) (02) 517-33	00		
2.	Authorization which is propo	sed to be assigned					
	(a) Call letters  KPCS (TV)	Location Pueblo, Colorado					
	(b) Has the station commer	nced its initial program tests within the past	twelve months	i?	□ YES	Х по	
	If yes, was the initial co	instruction permit granted after comparative	e hearing?		□ YES	□NO	
	If yes, attach as Exhibit See Exhibit	• • • •	73.3597.				
3.	Call letters of any Remote Pic None	ckup, STL, SCA, or other stations which are to	be assigned:				
4.	is the information shown in a this date?	ssignor's Ownership Reports (FCC Form 323 o	or 323-E) now on	tile with the Colum	isalon true and corr	ect as of	
	If No, attach as Exhibit No	an Ownership Report supplying full a	and up-to-date in	nform <b>8</b> 8 0 2	26		
5.	Attach as Exhibit No. 2 oral agreement, reduce the to	a copy of the contract or agreement to asserts to writing and attach.	sign the propert	y and facilities@@ FEE SEC		only an	
6.	State in Exhibit No. 3 whether the assignor, or any partner, officer, director, member of the assignor's governing board or any stockholder owning 10% or more of the assignor's stock: (a) have any interest in or connection with an AM, FM or television broadcast station; or a broadcast application pending before the FCC; or (b) has had any interest in or connection with any dismissed and/or denied application; or any FCC license which has been revoked.						
		the following Information: (I) name or party to umber of application; or docket number; (Iv) lo		DuBUR of Int	erest or connection	n, giving	

MAR 4 - 1988

FCC 314 March 1983 Part II - Assignee

1,	Name of Assignee Sangre de Cristo Com	munications, Inc.		
	Street Address (or other identification)	City		
12	2.0.0. S.e.v.e.n.t.h. A.v.e.n.u.e	P.u.e.b.l.o.		
	State		one No.	
1	C, O	8,1,0,0,3 (303)	e area code) 544-5781	
2.	Does the contract submitted in response to Question 5, and assignee?  # No, explain in Exhibit No	Part I of Section I embody the full and complete agree		nor NO
Soc	tion II ASSIGNE	E'S LEGAL QUALIFICATIONS		
1.	Assignee is:			
	☐ an individual ☐ a general partners	ship a limited partnership	🖾 a corpora	rtion
	□ other			
7.	If the applicant is an unincorporated association or a le No the nature of the applicant.	gal entity other than an individual, partnership or con	poration, describe in Ex	hibh
	CITIZENSHIP AND	OTHER STATUTORY REQUIREMENTS		
		•	YES (	NO
3.	(a) is the applicant in compliance with the provisions of relating to interests of aliena and foreign governments			0
	(b) Will any funds, credit, etc., for construction, pure entities, domestic entities controlled by aliens, or		s, foreign	西
	WYes, provide particulars as Exhibit No			

FCC 314 (Pers 3) February 1987

4.	<b>(a</b> )	Has an adverse finding been made, adverse final action taken or consent decree approved by any court or administrative body as to the applicant or any party to the application in any civil or criminal proceeding brought under the provisions of any law related to the following: any felony, antitrust, unfair competition, fraud, unfair labor practices, or discrimination?	TES	NO ≅
	<b>(tb</b> )	is there now pending in any court or administrative body any proceeding involving any of the matters referred to in 4.(a)?	_ _	<b>D</b>

#### TABLE! PARTIES TO APPLICATION

5. (a) Complete Table I with respect to the assignee. (Note: If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement).

INSTRUCTIONS: If applicant is an individual, fill out column (a) only. If applicant is a partnership, fill out columns (a), (b) and (d), state as to each general or limited partner (including silent partners) (a) name and residence, (b) nature of partnership interest (i.e., general or limited), and (d) percent of ownership interest. If applicant is a corporation or an unincorporated association with 50 or fewer stockholders, stock subscribers, holders of membership certificate or other ownership interest, fill out all columns, giving the information requested as to all officers, directors and members of governing board, in addition, give the information as to all persons or entities who are the beneficial or record owners of or have the right to vote capital stock, membership certificates or other ownership interests, furnish the information as to officers, directors, members of governing board, and all persons or entities who are the beneficial or record owners of or have the right to vote 1% or more of the capital stock, membership or owner interest except that if such entity is a bank, insurance company or investment company (as defined by 15 U.S.C. §80a-3) which does not invest for purposes of control, the stock, membership or owner interest need only be reported if 5% or more

Applicants are reminded that questions 5 through 7 of this Section must be completed as to all "parties to this application" as that term is defined in the instructions to Section II of this form.

See Exhibit No. 1

Answered pursuant to Section 73.3555 of the Commission's Rules.

Name and Residence (Home) Address(ee)	Nature of Partnership Interest or Office Held	Director or Member of Governing Board	% of: Ownership (O) or Partnership (P) or Voting Stock (VS) or Membership (M)	
Address(es)	interest of Omce Held	YES NO		
(a)	<b>(b)</b>	(c)		
Peter Manigault 134 Columbus Street Charleston, S.C. 29402	Chairman of the Board	x		
John O. Gilbert 2200 7th Avenue Pueblo, Colorado 81003	President	х		
Ivan V. Anderson, Jr. 133 Tradd Street Charleston, S.C. 29401	Vice President	x		
Joseph F. Smoak 1704 Willow Lake Road Charleston, S.C. 29412	Secretary/Treasurer	x 4		
Cordillera Communications, Inc. c/o Evening Post Publishing Co. P.O. Box 758 Charleston, S.C. 29402	N/A		100%	

FCC 314 (Page 5) February 1987

#### ASSIGNEE'S LEGAL QUALIFICATIONS

			YES	NO
<b>5.</b>	<b>(D</b> )	Does the applicant or any party to this application, own or have any interest in a daily newspaper or cable televi- aion system?	B	D
	<b>(c</b> )	Does the applicant or any party to this application have an ownership interest in, or is an officer, director or partner of, an investment company, bank, or insurance company which has an interest in a broadcast station, cable system or daily newspaper?	٥	<b>D</b>
		If the answer to questions 5(b) or (c) is Yes, attach as Exhibit No, a full disclosure concerning persons involved, the nature of such interest, the media interest and its location.		
		OTHER BROADCAST INTERESTS		
6,	Dos	s the applicant or any party to this application have any interest in or connection with the following?		
	<b>(a)</b>	an AM, FM or TV broadcast station?	•	0
	<b>(b</b> )	a broadcast application pending before the FCC?	8	D
7.	Has	the applicant or any party to this application had any interest in or connection with the following:		
	<b>(a</b> )	an application which has been dismissed with prejudice by the Commission?	0	Ø
	<b>(b</b> )	an application which has been denied by the Commission?	۵	Ø
	<b>(c</b> )	a broadcast station, the license which has been revoked?	ם	Ø
	<b>(d</b> )	an application in any Commission proceeding which left unresolved character issues against the applicant?	0	Ø
	<b>(•</b> )	If the answer to any of the questions in 6 or 7 is Yes, state in Exhibit No. $\frac{2}{2}$ , the following information:	0	0
		(ii) Name of party having such interest; (iii) Nature of interest or connection, giving dates; (iii) Call letters of stations or file number of application, or docket number; (iv) Lecation.		
8.	<b>(m)</b>	Are any of the parties to this application related to each other (as husband, wife, father, mother, brother, eleter, son or daughter)?	5	۵
	<b>(b)</b>	Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to this application have any interest in or connection with any other broadcast station or pending application?	<b>D</b>	Ð
		If the answer to (a) or (b) above is Yes, attach as Exhibit No, a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.		

		YES	NO
₿.	Are there any documents, instruments, contracts or understandings relating to ownership or future ownership rights (including, but not limited to, non-voting stock interests, beneficial stock ownership interests, options, warrants, debentures)?	•	B
	If Yes, provide particulars as Exhibit No		
10.	Do documents, instruments, agreements or understandings for the piedge of stock of a corporate applicant, as security for loans or contractual performance, provide that (a) voting rights will remain with the applicant, even in the event of default on the obligation; (b) in the event of default, there will be either a private or public sale of the stock; and (c) prior to the exercise of stockholder rights by the purchaser at such sale, the prior consent of the Commission (pursuant to 47 U.S.C. 310(d)) will be obtained?	Ð	٥
	If No, attach as Exhibit No a full explanation $N/A$		
<b>Boo</b>	ASSIGNEE'S FINANCIAL QUALIFICATIONS		
1.	The applicant certifies that sufficient net figuld assets are on hand or are available from committed sources to consummate the transaction and operate the facilities for three months.	Ð	۵
2.	The applicant certifies that: (a) it has a reasonable assurance of a present firm intention for each agreement to furnish capital or purchase capital stock by parties to the application, each toan by banks, financial institutions or others, and each purchase of equipment on credit; (b) it can and will meet all contractual requirements as to collateral, guarantees, and capital investment; (c) it has determined that all such sources (excluding banks, financial institutions		
	and equipment manufacturers) have sufficient net liquid assets to meet these commitments.		ט

1

#### ASSIGNEE'S PROGRAM SERVICE STATEMENT

P	OR AM AND PM APPLICANTS			
		N/A		
1.	Attach as Exhibit No		ative form, of the planned pr	ogramming service relating to the issues of public
F	OR TELEVISION APPLICANTS	See Exhibit No.	4	
_2	Ascertainment of Community	Neede		
	Son. Such information sh	hall include (1) identification (	* *	eeds and interests of the public served by the sta- crests and organizations which were consulted and
		=	is and interests of the public th respect to national or interr	which the applicant believes its station will serve national matters.
			rograms or program series (e to meet those needs and inter	excluding Entertainment and News) that applicant rests.
3. State the minimum amount of time, between 8:00 a.m. and midnight, the applicant proposes to normally devote each week to the protypes listed below (see definitions in instructions). Commercial matter, within a program segment, shall be excluded in computer time devoted to that particular program segment, e.g., a 15-minute news program containing three minutes of commercial matter, be computed as a 12-minute news program.				
		HOURS	MINUTES	% of TOTAL TIME ON AIR
	NEWS		<del>/</del>	
	PUBLIC AFFAIRS		/	
	ALL OTHER PROGRAMS (Exclusive of Sports and	/		
	Entertainment)			
	LOCAL PROGRAMMING	<del>/</del>		
4.	State the maximum amount of	commercial matter the appli	cant proposes to allow norms	lity in any 60-minute segments:
<b>5</b> .	State the maximum amount of sween the hours of \$-p.m. to 11			alty in a 60-minute segment be-
	(a) State the number of hours	y segments per week this ar	nount is expected to be exce	eded, If any:
€.	State in Exhibit No, toy stated in Question 4 and 5 a		hy the applicant would allow t	the amount of commercial mat-

YES NO

1. Does the applicant propose to employ five or more fulltime employees?

If the answer is Yes, the applicant must include an EEO program called for in the Model EEO Program. (PCC Form 366-A).

The applicant proposes to operate KPCS-TV as a satellite of Television Station KOAA-TV, Pueblo, Colorado, and the EEO Program and policies followed by KOAA-TV would thus be applicable. For the convenience of the Commission, a copy of KOAA-TV's EEO Program, as filed on with its application for renewal of license, is attached as Exhibit No. 5.

#### **RECTION VI**

Part II - Assisnee

#### **ABSIGNEE'S CERTIFICATION**

The ASSIGNEE hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended).

The ASSIGNEE acknowledges that all its statements made in this application and attached exhibits are considered material representations, and that all of its exhibits are a material part hereof and are incorporated herein.

The ASSIGNEE represents that this application is not filed by it for the purpose of impeding, obstructing or delaying determination on any other application with which it may be in conflict.

In accordance with Section 1.85 of the Commission's Rules, the ASSIGNEE has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in the information furnished.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. COPE, TITLE 18, SECTION 1801.

I certify that the assignee's statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this	26 day of	February	18 88		
Sangre	de Cristo Co	ommunications	s, Inc.		
1 1/28	9.4	Nen	ne of Assignee	1	
Jan Co	Ment				
Bignature					
President					
Title					

Sangre de Cristo Communications, Inc. Exhibit No. 4 FCC Form 314 Section IV

REQUEST FOR GRANT PURSUANT TO SATELLITE EXEMPTION

### REQUEST FOR GRANT PURSUANT TO SATELLITE EXCEPTION

Sangre de Cristo Communications, Inc. ("KOAA-TV") is the licensee of Television Station KOAA-TV, Pueblo, Colorado. Its market, Colorado Springs - Pueblo, consists principally of El Paso and Pueblo counties. The acquisition of the construction permit for KPCS-TV would result in an overlap of the predicted Grade B contours of KOAA-TV and KPCS-TV. However, KOAA-TV proposes to operate KPCS-TV primarily as a satellite of KOAA-TV. This application may thus be granted pursuant to the "satellite exception" to the Commission's duopoly rules. 1/

At present, KOAA-TV cannot reach a substantial (and growing) number of viewers in Colorado Springs, the largest community in its market, because mountainous terrain creates substantial shadowing in significant parts of that city and its suburbs. KOAA-TV has examined the possibility of moving its transmitter to Cheyenne Mountain (the antenna farm in the market) but the restrictions of the Commission's minimum

<sup>1/ 47</sup> C.F.R. § 73.3555(a)(3), Note 5. Section 73.3555(a)(3) of the Commission's Rules provides that "no license for a television broadcast station shall be granted to any party...if such party directly or indirectly owns, operates or controls one or more television broadcast stations and the grant of such license will result in any overlap of the Grade B contours of the existing and proposed stations..." However, Note 5 to that provision states that it "...will not be applied to cases involving television stations which are primarily `satellite' operations"; instead, "such cases will be considered on a case-by-case basis in order to determine whether common ownership, operation or control of the stations in question would be in the public interest."

spacing requirements preclude such a relocation. KOAA-TV's construction and operation of KPCS-TV as a satellite would enable it to overcome these obstacles and permit its programming to reach the entire community which the station serves. With a satellite station, KOAA-TV can eliminate the current substantial disparity in the ability of the market's commercial VHF stations to reach their viewers.

Operation of KPCS-TV as a satellite is the best, most efficient and perhaps only way for KOAA-TV to provide full technical service throughout its market. KOAA-TV currently relies on a 1000-watt translator (K30AA, Colorado Springs) to overcome some terrain shielding in Colorado Springs, but the restrictions on translators' power limit the practical effectiveness of this solution. Moreover, translators operate on a secondary basis to full service television stations, and hence are subject to possible future displacement.

KOAA-TV's construction and operation of KPCS-TV as a satellite would not adversely affect competition or diversity in the Colorado Springs-Pueblo market. The unsuccessful efforts of the permittee of KPCS-TV to build the station demonstrate the inability of the Colorado Springs-Pueblo market to support more than its current complement of full service television stations. That the market cannot support additional stations is confirmed by the fact that a

construction permit for another station (KCEC-TV, Channel 26, Pueblo [File Nos. BPCT-830118KG; BMPCT-861022KX]) was recently cancelled.

The permittee of KPCS-TV has been unable to secure the necessary financial backing to build the station. Furthermore, despite many months of effort, the permittee has been unsuccessful in its efforts to sell the permit to an entity willing to construct and operate a second independent station in the market.

Moreover, even if the market were economically capable of supporting additional television stations, there are some fifteen additional channels which could be assigned to the Colorado Springs-Pueblo market, five of which could be allotted simultaneously. See Attachment 1, Engineering Statement of Cohen and Dippell, at 9. KOAA-TV's operation of KPCS-TV as a satellite thus would not preclude additional competition by new market entrants, and, indeed, would foster competition by establishing a "level playing field" in the market and providing KOAA-TV the same technical ability to reach its viewers as the market's other commercial VHF stations.

KOAA-TV's proposal to operate KPCS-TV as a satellite represents a unique solution to a unique problem. It is nonetheless consistent with the policies underlying other decisions authorizing satellite operations: it

represents a means of bringing additional service to areas which need it by using an allocation which would otherwise lie fallow due to the financial difficulties of activating a fulltime station.

The following demonstrates in more detail the public interest in authorizing KOAA-TV to acquire and operate KPCS-TV as a satellite.

### Colorado Springs is an Integral Part of KOAA-TV's Market

KOAA-TV is licensed to Pueblo, Colorado, a designated community of the Colorado Springs-Pueblo television market. In practical economic terms, however, KOAA-TV is as much a Colorado Springs station as the three commercial stations licensed to that community (KRDO-TV, Channel 13 [ABC]; KKTV-TV, Channel 11 [CBS] and KXRM, Channel 21 [Ind.].2/) Although it is licensed to the smaller of the market's two designated communities, KOAA-TV competes for viewers and advertisers with the market's three other commercial stations, reflecting clear industry and viewer recognition that Colorado Springs and Pueblo together constitute a single television market.

Each of the three major television networks, for example, has one affiliate among the market's three VHF stations. Arbitron ranks the Colorado Springs-Pueblo ADI as

<sup>2/</sup> The market's only noncommercial educational station, KTSC, Channel 8, is also licensed to Pueblo.

the nation's 100th ADI. 3/ Nielsen ranks the Colorado
Springs-Pueblo DMA as the nation's 102nd DMA. 4/ Neither
service considers Pueblo a separate market. TV Factbook
lists the market's commercial stations as either Colorado
Springs, Colorado Springs-Pueblo or Pueblo-Colorado Springs
stations; KOAA-TV is not separately listed as a Pueblo
station. Broadcasting Yearbook describes KOAA-TV under its
entry for Colorado Springs rather than for Pueblo. KOAA-TV
identifies itself on-air as "KOAA-TV, Pueblo-Colorado
Springs." Colorado Springs is, in short, an integral part of
KOAA-TV's home market. (And, of course, Pueblo is an
integral part of the home market for KOAA-TV's three
commercial competitors.)

That Colorado Springs is in practice one of KOAA-TV's two principal communities is reflected in the station's longstanding, consistent recognition that its service obligations extend to Colorado Springs as well as to Pueblo.

KOAA-TV acknowledges and fulfills its primary legal obligation to program in response to the specific issues facing Pueblo as its community of license. However, the

<sup>3/</sup> Arbitron ADI & Prime Time, TV Households Information and Rank, based on 1986-1987 Arbitron Television Markets and Rankings Guide, printed in <u>Television and Cable Factbook</u>, Stations Volume, No. 56 (1988) ["<u>TV Factbook</u>"] at A-3.

<sup>4/</sup> Special Nielsen Station Index, January 1987 estimates, printed in <u>Broadcasting/Cablecasting Yearbook</u> (1987) ["<u>Broadcasting Yearbook</u>"] at C-221.

practical realities of the Colorado Springs market demand that it voluntarily assume the same type of obligation with respect to Colorado Springs.

In order to facilitate full program service to that community, KOAA-TV maintains a complete office in Colorado Springs. Twenty-nine of KOAA-TV's 74 fulltime employees are assigned to its Colorado Springs office, and the station's President and General Manager splits his time between Colorado Springs and Pueblo. Fifteen of the Colorado Springs office employees are news personnel, assigned to cover news and issues of concern to Colorado Springs.

KOAA-TV's program service is directed to Colorado Springs as well as to Pueblo. 5/ KOAA-TV's regularly-scheduled local programs have consistently responded to issues facing the Colorado Springs community. 6/ For example, KOAA-TV estimates that it has broadcast over 1600 editorials over the past eight years, approximately 60% of which have dealt with Colorado Springs issues, such as El Paso County political controversies, growth, economic development, and

<sup>5/</sup> KOAA-TV proposes to operate KPCS-TV as a 100% satellite. However, because KOAA-TV's programming is already specifically responsive to issues of particular concern to Pueblo, KPCS-TV's programming will be directed specifically to the needs and interests of local viewers in much the same way as a station which is considered primarily a satellite.

<sup>6/</sup> Should the Commission wish a more detailed listing of KOAA-TV's issue-responsive programming, KOAA-TV would be glad to make such information available.

the quality of life. KOAA-TV also estimates that it has broadcast over 28,000 Public Service Announcements over the past year, over half of which were for Colorado Springs organizations.

In addition to its regularly-scheduled programs, KOAA-TV broadcasts a substantial number of special programs of particular interest to Colorado Springs residents, including concerts of the Colorado Springs symphony, the MDA Aerobathon, the Fourth of July concert broadcast live from Memorial Park in Colorado Springs, the Sunrise Street Breakfast, and the United States Air Force Academy Chorale and Band Christmas Concert. See Attachment 2.

KOAA-TV's service to Colorado Springs, Pueblo and other parts of its market has received wide recognition and acclaim. Attachment 3 illustrates awards received by the station in 1987, culminating with the Colorado Broadcasters Association award as 1987 Station of the Year. KOAA-TV, in short, has a long and distinguished record of acknowledged service to the Colorado Springs community.

Colorado Springs is an integral and inseparable part of KOAA-TV's market, a community which the station expressly undertakes to serve through an extensive schedule of local news and public service programming. Unfortunately, because of the mountainous terrain in the Colorado Springs area and the constraints of the Commission's minimum spacing

requirements, KOAA-TV's signal cannot reach a substantial and growing number of viewers in that community. As a consequence, these viewers are unable to receive a significant amount of local programming specifically directed to their problems, needs and interests, as well as NBC network service from the local market affiliate which is also the only market television station which operates 24 hours a day.7/

#### KOAA-TV Cannot Provide an Adequate Signal Throughout Colorado Springs

KOAA-TV's transmitter is located at Baculite Mesa, 10 miles northeast of Pueblo and 35 miles south of Colorado Springs, at 1150 feet HAAT towards Colorado Springs.

Although portions of Colorado Springs do receive predicted City Grade or Grade A signals from KOAA-TV, terrain such as mountains to the west of Colorado Springs and a series of ridges (located at Security, Austin Bluffs and Palmer Park) blocks reception of KOAA-TV signal by substantial numbers of viewers in the northeast quadrant of the city. Attachment 4 includes photographs which illustrate the mountainous nature of the terrain in the Colorado Springs area which create significant reception problems for KOAA-TV.

<sup>7/</sup> KOAA-TV is the only station which provides NBC network service to Colorado Springs and southeastern Colorado. The signal of the Denver NBC affiliate (KOA-TV) does not reach the market due to the distance (over 60 miles from Colorado Springs) and the location of Monument Ridge (about 7000 feet above sea level) approximately 15 miles north of Colorado Springs.

The shadowing associated with these unusual terrain configurations in Colorado Springs has created pockets of severe reception problems in the metropolitan area. Attachment 1 demonstrates that KOAA-TV's signal is shadowed in 32% of the Colorado Springs area, affecting 27.4% of the population of that area. Attachment 1 at 3. Those problems have generated substantial viewer discontent. KOAA-TV management and staff have consistently received written and oral complaints from viewers who are unable to receive a satisfactory signal. KOAA-TV sales personnel receive comments concerning problems with reception of the station's signal in dealing with advertisers and agencies. In fact, KOAA-TV's commercial market competitors emphasize their superior coverage in Colorado Springs in dealing with agencies and retail accounts.

Unfortunately, the number of viewers in the market which will be unable to receive an acceptable KOAA-TV signal is likely to increase in the future. Colorado Springs is a growing community, and a majority of its growth has been, and will continue to be, in the shadowed areas which KOAA-TV's signal cannot reach. Attachment 5 depicts the city's growth since 1960, as well as projected future growth, and shows that significant population expansion has been away from

<sup>8/</sup> The easterly direction of this growth has in part been controlled by the nature of the terrain: the Rocky Mountains (continued...)

the KOAA-TV transmitter site. Figures 2A, 2C and 2D of Attachment 1, which superimpose shadowed areas over maps showing city growth, demonstrate that current and projected growth areas in Colorado Springs and vicinity are significantly shadowed. As stated therein:

... the TV reception problem has and will become more severe with the continued growth of Colorado Springs to the north and northeast, areas which are completely out of line-of-sight from the Channel 5 antenna and do not receive satisfactory service from K30AA.

Attachment 1 at 4. The severe difficulties experienced by KOAA-TV in bringing its programming to those it is intended to serve will thus be compounded as Colorado Springs continues to grow.

### Other Market Stations Can Serve All of Colorado Springs and Pueblo

KOAA-TV's commercial competitors in the Colorado
Springs-Pueblo market (as well as a majority of the market's
radio stations) broadcast from the Cheyenne Mountain antenna
farm, which is clearly the preferred site for the market.
Cheyenne Mountain is over 9700 feet above mean sea level, and
is located approximately 3,500 feet above and less than 7
miles southwest of Colorado Springs. From that site, KOAATV's competitors are able to provide excellent coverage

<sup>8/ (...</sup>continued) preclude extensive development to the west of Colorado Springs. Moreover, federal installations (the U.S. Air Force Academy and Fort Carson) preclude development to the north and south of the city.

throughout Colorado Springs and Pueblo. 2/ KOAA-TV's transmitter cannot be located on Cheyenne Mountain because it would involve a 26.8-mile short spacing to Television Station KGWN-TV, Cheyenne, Wyoming. In consequence, KOAA-TV operates with a distinct technical disadvantage vis-a-vis its commercial competitors in its ability to reach a substantial portion of its market with an off-air signal. (Indeed, as noted above, this inequity in service capabilities is actively exploited in those stations' sales presentations.) In seeking the right to construct and operate a satellite on Channel 32 in Colorado Springs, KOAA-TV is merely trying to create a level playing field on which to compete with the other network stations in the market.

# Operation of KPCS-TV as a Satellite Will Enable KOAA-TV to Provide Acceptable Technical Service Throughout Colorado Springs

For many years KOAA-TV has actively explored possible solutions to the problem of providing acceptable technical service throughout Colorado Springs. With that goal, it applied for and obtained authority to construct K30AA (File No. BPTT-791120IA), a 1000-watt translator station which helps to provide service to certain underserved areas of Colorado Springs. Grant of KOAA-TV's application

<sup>9/</sup> Indeed, none of the Colorado Springs stations operates a translator in either Colorado Springs or Pueblo, TV Factbook at B-63 and B-66, evidencing the fact that their off-air service is adequate without the need for any supplementation.

for K30AA required a waiver of the requirements of Section 74.702(d) of the Commission's Rules. Significantly, KOAA-TV's waiver request was premised on the same considerations which support grant of this application: "(a) the reception problems which some of KOAA-TV's viewers have had to endure due to the growth patterns and mountainous terrain of the Colorado Springs area and (b) the perceived need for improved NBC network service in the metropolitan area..." Letter from Kevin F. Reed to the Commission (November 20, 1979). By granting the waiver, the Commission clearly acknowledged that KOAA-TV's unique technical circumstances justify extraordinary relief.

Although K30AA has enabled KOAA-TV to provide some service to shadowed areas of the Colorado Springs metropolitan area, it is not a satisfactory long-term solution to the problem. The power restrictions placed on translators' operations (47 C.F.R. § 74.735) limit its effectiveness in providing a satisfactory signal, 10/particularly at increasing distances when signal attenuation becomes significant. 11/

<sup>10/</sup> Additional translators are not presently available, and even if applications therefor could be filed and promptly processed, the power limitations would thwart their effectiveness as substitutes for service from a full power station.

<sup>11/</sup> Since the shadowed areas in the northeast quadrant, and the growth areas where service will be needed in the future, (continued...)

Even with K30AA's 1,000 watts of power, there are still serious reception problems in Colorado Springs.

Attachment 1, for example, demonstrates that the actual signal provided by KOAA-TV's present translator is far less satisfactory than that of Television Station KXRM, a full service UHF station which operates from the same Cheyenne Mountain transmitter site:

With these facilities, Channel 21 has a 20 dB advantage over the received signals of television translator K30AA. This 100 times higher power at the receiver terminals, borne out by comparison of reception between the two stations, is a crucial difference for satisfactory service in the shadowed and new growth areas.

#### Attachment 1 at 6.

The power limitations on translator operations are particularly significant in newly developed areas, where restrictive covenants generally prohibit use of outdoor antennas. While information on the terms and extent of such regulations is difficult to obtain, Attachment 6 includes examples of typical regulations in several new subdivisions. Even these selected subdivisions will have a total of over 20,000 dwelling units, none of which will be able to utilize outside antennas.

<sup>11/ (...</sup>continued)
are located at some distance from Cheyenne Mountain, the
future effectiveness of a translator as a substitute for
full service operations clearly will be limited.

KOAA-TV cannot reach these viewers, and K30AA will not provide substitute service, because relatively low powered translator signals simply cannot be received adequately on indoor rabbit ear antennas. As set forth in Attachment 1:

The problem of television reception due to terrain shielding is further compounded by the prohibition on outdoor roof-top receiving antennas in parts of Colorado Springs and almost entirely in the newlydeveloped residential areas. FCC propagation curves and associated service contours are predicated on a 30-foot receiving antenna height above ground. Theoretically, this means field strength levels at the indoor antenna could be lower over the signals in open and clear areas at 30 foot elevations and further degraded by transmission loss through buildings. As a result, much higher signal strength is required to provide satisfactory service levels not available from the existing translator but possible only from a full service station.

Attachment 1 at 5-6 [emphasis supplied]. Field tests described in Attachment 1 establish that a translator's lower power results in pictures of substantially lower quality than can be provided by a full power full service station.

Complete service to the newly developed northeast quadrant of Colorado Springs thus requires operations with power at a level permissible only for full service television stations.

Not only is the technical quality of the service available from a translator inferior to that of a full service satellite station: translator operations are by definition secondary, subject to displacement by full service stations. 47 C.F.R. §§ 74.702 et seq. KOAA-TV submits that

requiring reliance on facilities having only secondary status to provide service to the heart of a station's market is inconsistent with the public interest, particularly when more permanent facilities are available and could be used for that purpose.  $\frac{12}{}$ 

The possible availability of cable service in the shadowed areas is, likewise, no substitute for free off-air service. 13/ Residents of the shadowed areas should not be forced to subscribe to cable service in order to receive programming intended to be available to them without charge. 14/ Moreover, with the elimination of the Commission's must carry rules, 15/ there is no guarantee that KOAA-TV will continue to be carried on a local cable system. Finally, the Commission has been reluctant to rely on cable

<sup>12/</sup> In a number of cases the Commission has held that a licensee cannot rely on translators to offset losses of existing service. See, e.g., Roadrunner Television, (September 22, 1983); Central Coast Broadcasters, Inc., 18 FCC 2d 794 (1969), appeal dismissed, Case No. 23,422 (D.C. Cir. 1971); Santa Fe Television, Inc., 18 FCC 2d 741 (1964); but see KTVO, Inc., 57 RR 2d 648 (1984).

<sup>13/</sup> Arbitron's November 1987 Ratings Data estimate cable penetration in the Colorado Springs-Pueblo ADI to be 53%.

<sup>14/</sup> In some areas, where restrictive covenants prohibit use of outside antennas, cable may be the only way to receive KOAA-TV absent a satellite operation, as rabbit ear antennas would be insufficient to receive the signal of either the station or its translator. See discussion infra.

<sup>15/</sup> Century Communications Corporation v. FCC, No. 86-1683 (D.C. Cir. December 11, 1987).

to serve loss areas  $\frac{16}{}$  and it should be even more hesitant to force reliance on cable to provide service to the heart of a station's market.

Operation of KPCS-TV as a satellite station, without the limitations of secondary status and power restrictions, thus offers the optimum remedy for KOAA-TV's difficulty in maximizing service throughout its market.

KPCS-TV is authorized to operate from Cheyenne Mountain.

From that location and with a directional antenna and a maximum authorized power of 1500 kw, a city grade or Grade A signal can be provided throughout the areas which are now shadowed. 17/ Satellite operation will thus enable Colorado Springs viewers to receive KOAA-TV programming specifically intended for them. Additionally, it will enable KOAA-TV to provide a level of technical service to the largest community

<sup>16/</sup> See, e.g., Santa Fe Television, Inc., supra; but see KOTV, Inc., supra.

<sup>17/</sup> KOAA-TV intends to file an application to modify the construction permit for KPCS-TV to redirect that station's signal away from Denver and reduce power to the level necessary to improve service to the shadowed areas in the northeast quadrant of Colorado Springs. That application therefore will request a waiver of Section 73.685(a) of the Rules in order to minimize the extent of overlap between KOAA-TV and KPCS-TV.

in its market which is approximately equal to that enjoyed by its market competitors. 18/

# KOAA-TV's Operation of KPCS-TV as a Satellite Would Not Adversely Affect Competition or Diversity

KOAA-TV submits that no other possible solution to its shadowing problems offers a better long term means of providing acceptable technical service throughout Colorado Springs. As discussed above, relocation of KOAA-TV's transmitter to Cheyenne Mountain is prohibited, and there are no other suitable transmitter sites.

KOAA-TV's operation of KPCS-TV as a satellite station would not adversely affect competition or diversity. Colorado Springs-Pueblo is a highly diverse and competitive market. There are five full service television stations licensed to the market communities; 8 low power television stations authorized (licensed, construction permit or selected in a lottery) to communities in the market; and 29 AM and FM radio stations in the market. 19/ The market is served by two independent daily newspapers; there are also

<sup>18/</sup> As demonstrated in Attachment 1, the combined service areas of KOAA-TV and KPCS-TV, modified as proposed by KOAA-TV, will not expand KOAA-TV's present service area. Because the signals of KOAA-TV's VHF market competitors extend north toward Denver, they serve, and will continue to serve, a substantially larger number of viewers than KOAA-TV. KOAA-TV is not seeking to extend its service outside its market, but only to improve its service within it.

<sup>19/</sup> Source: TV Factbook; Broadcasting Yearbook; FCC Records.

two weekly newspapers published in those communities. 20/ The three cable systems serving the two principal market communities (which are not commonly owned) carry numerous broadcast stations and cable program services and have channel capacities of 60 channels (Colorado Springs Citizens Cable, Inc.), 35 channels (Colorado Springs Cablevision, Inc.) and 26 channels (Pueblo Cablevision).21/ There are, without question, numerous diverse media voices within the market.

KPCS-TV has not yet commenced operations, so that the proposed satellite operation would not cause loss of existing service in the market. Moreover, as demonstrated in Attachment 7, the Affidavit of Edward B. Hanna, President of the General Partner of tvUSA/Pueblo, KPCS-TV has been unable to find other purchasers for the station. 22/ If KOAA-TV is not permitted to acquire the station, the construction permit will in all likelihood be forfeited. Authorization of satellite operations thus would not harm existing service or diminish the opportunity for potential new voices in the future.

<sup>20/</sup> Source: Editor and Publisher International Yearbook (1987) at I-50, I-54 and II-8.

<sup>21/</sup> Source: Television and Cable Factbook, No. 55 (1987) at B-141 and B-152.

<sup>22/</sup> The original affidavit will be filed upon its receipt.

KOAA-TV's operation of KPCS-TV as a satellite would not preclude the entry of other television competitors in the Colorado Springs-Pueblo market. Attachment 1 demonstrates that a total of <u>fifteen</u> additional television channels could be allocated to the Colorado Springs-Pueblo market, and as many as <u>five</u> could be assigned simultaneously. When added to the vacant Channel 26 allocation, this means that up to <u>six</u> additional television stations could be authorized in the market. No one can reasonably claim that the proposed satellite operation would inhibit new entry or adversely affect competition. Indeed, such authorization would be procompetitive, as it would permit KOAA-TV to compete for viewers in the shadowed areas on a more equal basis with other market stations.

### KOAA-TV's Satellite Proposal is Consistent with the Public Interest

KOAA-TV's proposal to operate KPCS-TV as a satellite is a unique solution to the unique problems associated with the unusual combination of mountainous terrain and the constraints of the minimum spacing rules. For such factors to impair a station's ability to serve a major community which is an integral part of its market is highly unusual, a situation unlikely to be duplicated elsewhere.

The Commission has already recognized that the compelling circumstances of KOAA-TV's situation warrant

extraordinary relief in granting KOAA-TV's application for K30AA. That recognition should extend to authorizing the satellite operation requested here.

Past Commission decisions have generally authorized satellite stations in situations where permitting overlap between a parent and satellite would allow television service to be provided to small communities having an insufficient economic base to support a full service television station.

See, e.g., W. Russell Withers, Jr., 2 FCC Rcd 3460 (1987);

McAlister Television Enterprises, Inc., 60 RR 2d 1379 (1986).

The Commission has authorized satellite operations even where a full service station already serves the community. See,

Meyer Broadcasting Co., 67 FCC 2d 593 (1978), aff'd sub nom.,

Dickinson Broadcasting Corp. v. FCC, 593 F.2d 1371 (D.C. Cir. 1979). Satellites have also been authorized in heavily populated areas which receive multiple off-air television signals. Suburban Broadcasting Corp., 83 FCC 2d 359 (1980).

KOAA-TV's request to operate KPCS-TV as a satellite station, while different in some respects from those more conventional satellite proposals, is based on the same type of factual circumstances and underlying policy considerations which supported other satellite authorizations. KPCS-TV is an unbuilt station which has been unsuccessful, despite a continuing effort, in obtaining sufficient financial support to build a new facility and commence operations. Compare,

B.G.S. Broadcasting, Inc., 2 FCC Rcd 107 (1987). The proposed satellite operation is the only presently available means of activating the channel, as absent grant of this application, it seems apparent that the construction permit will ultimately be forfeited. See Attachment 7.

Additionally, KPCS-TV is licensed to a relatively small market (No. 100). Even if Colorado Springs-Pueblo is characterized as a "large" market, that should not bar application of the satellite exception. The Commission has stated:

[a]lthough parent-satellite operations have traditionally been limited to rural areas where there is little or no television service, the underlying rationale is not necessarily restricted to such situations. That is, in a situation where a station might remain dark if it had to be operated in an independent, full service capacity, the authorization of a parent-satellite combination, with service area overlap, might result in increased service to the public without any loss in diversity.... Allowing a parentsatellite operation with service overlap in a market might give that combination greater market power, but that is, in fact, less problematic in metropolitan markets with a number of competing stations than in rural markets with a few stations. Hence, there is no reason to unconditionally rule out parent-satellite operations in large markets.

Suburban Broadcasting Corp., supra, 83 FCC 2d at 365.

The Colorado Springs-Pueblo market cannot now support additional full service television stations, established both by Attachment 7 and by the cancellation of the construction permit for KCEC-TV after over four years of apparently unsuccessful efforts to find financing for station

construction. Compare, Laurel Television, Inc., 59 RR 2d 1337 (1986); Capital Broadcasting Co., 54 RR 2d 811 (1983). Marketplace forces have worked in such a way that no financial institution is apparently willing to finance a second independent station in the market. It should not be necessary for a station on Channel 32 to be built and fail in order to confirm that the Colorado Springs-Pueblo market is not large enough to support a second independent station.

Operation of KPCS-TV as a satellite will facilitate provision of service to areas which are currently without it.

Compare, B.G.S. Broadcasting, Inc., supra. Although this is not a traditional satellite fact pattern involving provision of new service to a small rural community, it does involve provision of a new local service to significant parts of a market. KOAA-TV presently cannot reach substantial portions of Colorado Springs; if KPCS-TV is operated as a satellite, those viewers will for the first time be able to receive a high quality signal and KOAA-TV's 24-hour schedule of local and NBC network programming. Improved reception and in some instances first NBC network and 24-hour programming is obviously consistent with the public interest.

KOAA-TV submits that the overlap with KPCS-TV would not be an inefficient use of spectrum, compare, Notice of Inquiry and Notice of Proposed Rule Making, MM Docket No. 87-8, 2 FCC Rcd 1359 (1987) ["Satellite Notice"] at par. 14,

for the alternative is <u>no</u> use of Channel 32. Clearly, it is better for the frequency to be used than for it to lie fallow, awaiting another applicant for the facility, who predictably will experience the same financial inability to commence operations as KPCS-TV and KCEC-TV. As the Commission stated in <u>Suburban Broadcasting Corporation</u>, <u>supra</u>, 83 FCC 2d at 365: "If the alternative [to satellite operations] is no programming on a station which cannot operate because of the economics of the market, the net benefits are clear."

Moreover, KOAA-TV's operation of KPCS-TV would not, as demonstrated above, preclude the introduction of new television service by other potential entrants, because as many as six additional television stations could be activated in the market.

This case is thus easily distinguishable from <u>Coral Television Corp.</u>, 80 FCC 2d 323 (1980). There, the Commission denied the application of WCIX-TV, Miami, for a satellite authorization to be located 15 miles north of Miami on the fringe of the station's Grade B contour. There was another mutually exclusive application pending for the same authorization. It would have been contrary to the Commission's longstanding policies favoring "new and diverse voices" in a community if the Coral Television application had been granted. Further, such action would have required a

comparative hearing, and in 1980 the Commission's aversion to that process was already well known.

By contrast, the construction permit for Channel 32 (like that for Channel 26) will doubtless expire unless KOAA-TV buys it and builds a satellite. No one else wants the construction permit. It is likely that no one ever will. Unlike the situation in Miami, even if there were additional interest in a new television station in Colorado Springs, there are six additional allocations which could be sought and used. Finally, in Coral Television the applicant proposed to build the satellite on the very fringe of its Grade B contour, 15 miles north of the market. Obviously the site was not dictated by terrain, as there are no terrain problems in southeast Florida. KOAA-TV, on the other hand, seeks to place its satellite within its current predicted city grade contour so that it can cure the impact of the significant terrain shielding in Colorado Springs. Coral Television is a completely different case than this one and does not bar grant of KOAA-TV's application.

Finally, the Commission's <u>Satellite Notice</u> does not preclude grant of this application. The Commission has long held that the pendency of rulemaking proceedings does not affect the applicability of its current rules. <u>Palm Beach</u> <u>Cable Television Co.</u>, 78 FCC 2d 1180 (1980); <u>Metromedia</u>, <u>Inc.</u>, 66 FCC 2d 566 (1977); <u>Southern Wisconsin Cable</u>, <u>Inc.</u>,

49 FCC 2d 298 (1974); cf., Treasure Valley CATV Committee v. United States, 562 F.2d 1182 (9th Cir. 1977). Moreover, even if those proceedings did result in changes in Commission rules or policies with respect to satellite stations, the Commission would still have discretion to grant waivers where, as here, they are warranted by the public interest. WAIT Radio v. FCC, 418 F.2d 1153 (D.C. Cir. 1969), cert. denied, 409 U.S. 1027.

#### Conclusion

The public interest clearly mandates Commission action authorizing KOAA-TV to operate KPCS-TV as a satellite. Such action would permit KOAA-TV to reach areas in the heart of its market, for the first time enabling viewers to receive local programming specifically intended for them. It would facilitate competition in the Colorado Springs-Pueblo market by making more comparable the service capabilities of the market's commercial VHF stations. It would permit use of an allocation which would otherwise lie fallow for the indefinite future.

These public interest benefits would be achieved without any offsetting costs: competition would not be adversely affected, as potential new market entrants would have more than sufficient allocations available for institution of new full service television operations.

Additionally, the extent of overlap would be minimized,

limited to the extent practical and necessary to overcome the terrain-related problems with KOAA-TV's present operations.

KOAA-TV submits that its operation of KPCS-TV as a satellite represents a unique and creative approach to resolution of problems which have hampered its ability to optimize service to its community since it acquired the station almost twelve years ago. It is a solution which would represent Commission policy-making at its best, applying traditional concepts in a different way in order to maximize public interest benefits at minimal cost. KOAA-TV therefore respectfully requests that the instant application be granted.

# LIST OF ATTACHMENTS

Attachment 1	1	Engineering Statement of Cohen and Dippell
Attachment 2	2	KOAA-TV Public Service Programming
Attachment 3	3	KOAA-TV Awards - 1987
Attachment 4	4	Photographs of Illustrative Colorado Springs Terrain
Attachment 5	5	Growth of Colorado Springs, Colorado 1960 - 1984 - 1987 & Proposed
Attachment 6	6	Synopsis of Local Regulations Concerning Rooftop Antennas
Attachment 7	7	Affidavit of Edward B. Hanna

ENGINEERING STATEMENT OF COHEN AND DIPPELL

ENGINEERING STATEMENT
ON BEHALF OF

SANGRE DE CRISTO COMMUNICATIONS INC. (KOAA-TV)
PUEBLO, COLORADO
RE UHF TV SATELLITE OPERATION FROM
CHEYENNE MOUNTAIN
FEBRUARY 1988

City of Washington )ss District of Columbia )

Julius Cohen, being duly sworn upon his oath, deposes and states that:

He is a graduate electrical engineer, a Registered Professional Engineer in the District of Columbia, and President of Cohen and Dippell, P.C., Consulting Engineers, Radio - Television, with offices at 1015 15th Street, N.W., Suite 703, Washington, D.C. 20005;

That his qualifications are a matter of record in the Federal Communications Commission;

That the attached engineering report was prepared by him or under his supervision and direction and

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts, he believes them to be true.

Julius Cohen

District of Columbia Professional Engineer Registration No. 1118

Subscribed and sworn to before me this 12th day of \_\_\_\_, 1988.

My Commission Expires:

This engineering statement is prepared on behalf of Sangre de Cristo Communications, Inc., licensee of Television Station KOAA-TV, Channel 5, Pueblo, Colorado, ("Sangre de Cristo") in support of a "Request for Grant Pursuant to Satellite Exception". Sangre de Cristo proposes to purchase the construction permit of tvUSA/Pueblo Ltd., permittee of UHF TV Station KPCS(TV) (Channel 32), Pueblo, Colorado, and operate the station from its authorized transmitter site on Cheyenne Mountain as a satellite to KOAA-TV.

Sangre de Cristo intends to file an application for modification of the KPCS(TV) construction permit which would authorize a change in antenna design and effective radiated power. These proposed changes would permit KPCS(TV) to provide a necessary and more substantial service over Colorado Springs and, with recognition of the need for higher power toward Colorado Springs, would minimize duplication of the existing Channel 5 service.

Although, based on predicted contours and measured surveys, Sangre de Cristo anticipated that KOAA-TV could provide satisfactory service over Colorado Springs, experience has demonstrated that certain areas throughout that community are shielded from the KOAA-TV transmitting antenna by high intervening terrain, resulting in inadequate signals for

satisfactory Channel 5 reception. For this reason, the licensee has explored the possibility of a site change to another location, including Cheyenne Mountain, in order to provide improved service over the Colorado Springs area without materially affecting KOAA-TV's existing service.

Chevenne Mountain is the only site which meets the technical requirements for delivering service to all of the area of Colorado Springs and vicinity and from which Sangre de Cristo Communications Inc. operations could be technically competitive with other TV stations. However, from location a Channel 5 operation would be short-spaced with Station KGWN-TV, Channel 5, Cheyenne, Wyoming, by 26.8 miles (43.1 km). (The required separation for co-channel operation in Zone II, where both stations are located, is 189.5 miles (304.9 km). From Cheyenne Mountain, the separation is 162.7 miles (261.8 km).) In fact, KOAA-TV's present site barely meets the required separation.

Although FCC mileage separation restrictions preclude use of a Cheyenne Mountain transmitter site, of greater significance is the need to maintain existing KOAA-TV service to the south and to a large expanse of mountainous terrain to the west where Channel 5 is the only available full service television service.

There are thus no acceptable non-short-spaced alternatives to KOAA-TV's present site at Baculite Mesa. However, operating from that site, KOAA-TV cannot provide an acceptable signal throughout Colorado Springs due to the area's mountainous terrain.

Figure 1 attached shows the extent of shadowed area from the existing Channel 5 transmitting site to a distance of 50 miles extending over and beyond the Colorado metropolitan area. Defined by shading are the outlines of Springs and adjacent urbanized areas. The cross-hatched portion is the area shadowed from Channel 5 transmitting antenna and represents 32% of the total area within the Colorado Springs and adjacent urbanized areas as defined by the U.S. Census of 1980, and includes a population of 75,874, 27.4% of the total population in that area.

Figures 2, 2A and 2B show the Colorado Springs metropolitan area as of 1960, 1980 and as of 1987 with the projected future growth. The boundaries of the 1960 and 1987 areas were transferred from maps prepared by Pikes Peak Council of Governments - Colorado Springs Planning Division and El Paso Land Use Department. Figures 2C and 2D show the areas that are obstructed from line-of-sight transmission from the present Channel 5 transmitter site. # When consideration is given to

<sup>#</sup> Computer generated studies based on the NGDC data base supplemented by detailed analysis of 7.5 minute topographic quadrangles were used to determine the portrayed shadow areas.

the growth of the city to the north and northeast, it can be seen that the impact of shadowing has increased with the city's growth. As can be seen, the TV reception problem has and will become more severe with the continued growth of Colorado Springs to the north and northeast, areas which are completely out of line-of-sight from the Channel 5 antenna and do not receive satisfactory service from K30AA.

KOAA-TV has sought to compensate for the difficulty in serving all of Colorado Springs from its present transmitter site through the use of a UHF-TV translator K30AA, which operates from a site on Cheyenne Mountain. However, because of the translator's low effective radiated power, it cannot recover all of the areas lost to KOAA-TV. Even though K30AA operates from an elevation of 9529 feet AMSL, there continue to be areas which are not in line-of-sight from the translator antenna and which are lost to KOAA-TV. These areas are portrayed in Figure 2E which shows the shadowed areas from the Cheyenne Mountain location of K30AA to the Colorado Springs urbanized area (as of 1980). Figure 2F portrays the shadowed areas to the 1987 map. Adequate service throughout Colorado Springs would require much higher transmission (approximately 20 dB more than may be authorized for translator) to overcome signal deficiencies.

The terrain in the Colorado Springs area is such that there are even areas which experience difficulty in receiving television signals transmitted from Cheyenne Mountain. Recognizing that an antenna on Cheyenne Mountain would be at an elevation of over 9700 feet above mean sea level and located less than 7 miles from and towering over the Colorado Springs area by 3500 feet, impact of these shadowed areas on the full service stations are relatively small. However, for the comparatively lower power Channel 30 translator, the signal losses are significant, particularly behind the ridges of Austin Bluffs. Palmer Hills, and other similar obstructions. KOAA-TV is even more severely handicapped as it operates from a site 35 miles (56 km) from Colorado Springs and with an antenna height of 6268 feet (1910 meters) AMSL, and a height above average elevation toward Colorado Springs of 1150 feet (350 meters).

problem of television reception due to terrain shielding is further compounded by the prohibition on outdoor roof-top receiving antennas in parts of Colorado Springs and almost entirely in the newly developed residential areas. FCC propagation curves and associated service contours are predicated on a 30 foot receiving antenna height above ground. Theoretically, this means field strength levels at the indoor

antenna could be lower over the signals in open and clear areas at 30 foot elevations and further degraded by transmission loss through buildings. As a result, much higher signal strength is required to provide satisfactory service, levels not available from the existing translator but possible only from a full service station.

KXRM-TV, Channel 21, is a full service UHF TV station operating from Cheyenne Mountain with an effective radiated power (maximum) of 1050 kW. With these facilities, Channel 21 has a 20 dB advantage over the received signals of television translator K30AA. This 100 times higher power at the receiver terminals, borne out by comparison of reception between the two stations, is a crucial difference for satisfactory service in the shadowed and new growth areas.

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Ken Renfrow, Chief Engineer of Station KOAA-TV and K30AA, has made field strength measurements on Station K30AA and observation of related picture quality at a number of houses in areas obscured from the Channel 5 transmitting antenna. Equipment used for these tests were a Potomac Instruments field intensity meter, Type FIM-72, Serial No. 140, calibrated by the manufacturer on February 9, 1987 and a portable JVC television receiver, Model CX-610US (1984) with telescoping whip antenna. The measurements and observations were also made at each location on Station KXRM-TV (Channel 21).

The results of these tests are included in Appendix A. The locations were in the heavy growth areas north-northeast of the K30AA transmitter at distances from about 10 to 14 miles from the K30AA transmitter site. The picture quality is identified by TASO number using the designations included in Pages 453 and 454 of the Report of the Television Allocation Studies Organization to the Federal Communications Commission ("TASO").

An analysis of the measured data shows Channel 21 with an advantage of from 10.4 to 27.5 dB. The median value is 20.9 dB which points to the superiority of Channel 21 over Channel 30. On the surface, the Channel 30 signal levels appear to be significant but noise multipath within dwellings and ability to locate receiver at optimum locations and other factors support the need for much stronger signals.

Ken Renfrow reports that an appreciable number of home receivers with rabbit-ear antennas for VHF TV reception do not have the simple UHF TV ring or dipole antenna connected to the separate UHF-TV terminals. Channel 21 with its strong signal strength can provide satisfactory pictures, apparently due to coupling between the UHF and VHF circuits in the receiver. In these situations Channel 30 reception is unusable.

Figures 3 and 4 are plots of the predicted contours for the satellite operation on Channel 32 with an effective radiated power in the maximum lobe of 1500 kW. The coverage portrayed predicted in accordance with the Figure 3 was specified in Section 73.684(c)(1)(2) of the FCC Rules. The results are listed in Table I. The coverage in Figure 4 was determined by the methods set forth in Section 73.684(c)(3). The results are listed in Table II. Further basis for computation for Figures 3 and 4 are included in Tables III and The coverage is also based on the use of a directional antenna shown on the attached Figures 5, 5A and 5B. pattern characteristics are defined in Figure 6.

Figure 7 shows the Channel 32 satellite Grade B contour completely encompassed within the Channel 5 Grade B contour, as will be proposed in Sangre de Cristo's application for modification of KPCS(TV)'s permit. Population and area data of existing Grade B service of KOAA-TV and other Colorado Springs and Pueblo station are included in Table I. The Grade B contours determined from data in FCC files are included in Appendix B.

The above information concerning satellite operation and associated exhibits will be included in an engineering report in support of an application to be filed by Sangre de Cristo

for modification of the KPCS construction permit, file number BPCT-811124KE.

Population and area data for these contours are included in the attached Table I. Population is based on the U.S. 1980 Census. Where a contour included only a portion of the minor civil divisions, uniform distribution of the population exclusive of cities, towns, and urbanized areas was assumed. Similarly, all or portions of population within cities, towns and urbanized areas are included in the total. The area of the contours were measured with a polar planimeter using the original map.

Operation of Channel 32 as a satellite of KOAA-TV would not affect the availability of other television channels in the area. There are 15 available channels for Pueblo for operation from Cheyenne Mountain of which up to five can be assigned for simultaneous operation. There may be additional allocations which are possible if the transmitter is located in Pueblo or in other areas not on Cheyenne Mountain. (Channel 26 is already assigned and available for use at Pueblo.)

The open channels are 42, 43, 45, 48, 49, 51, 55, 57, 58, 61, 62, 63, 64, 66, and 69. Samples of possible combinations are as follows:

- 1. 42, 48, 58, 64
- 2. 42, 48, 62, 69
- 3. 42, 51, 61
- 4. 42, 51, 63, 69
- 5. 43, 49, 55, 61
- 6. 45, 51, 57, 63, 69

KPCS, Ch. 32, SATELLITE OPERATION

COMPUTED GRADE A AND GRADE B CONTOUR DATA
FEBRUARY 1988

<u>Azimuth</u>	Average Elevation Meters	Antenna Height Above Terrain Meters	Effective Power dBk	Distar Cont 74 dBu km	
0	1949	1016	9.22	38.5	56.3
15	2026	939	12.49	43.1	61.0
30	1938	1027	14.68	48.4	66.7
45	1849	1116	19.63	58.5	79.2
60	1827	1138	23.18	65.7	88.7
75	1806	1159	26.32	72.7	97.5
90	1785	1180	28.60	78.2	104.6
105	1786	1179	28.83	78.8	105.2
120	1788	1177	27.32	75.3	100.8
135	1789	1176	21.86	63.6	86.2
150	1869	1096	18.20	55.6	75.6
157	1907	1058	17.78	54.3	73.8
165	1952	1013	17.34	52.8	71.9
180	2037	928	18.20	53.1	71.9
195	2280	685	18.41	48.9	66.4
210	2523	442	17.34	40.6	56.4
225	2766	199	16.14	28.4	42.3
240	2857	108	15.10	20.3	33.7
255	2948	17	9.77	7.9	14.0
270	3039	-74	3.78	5.6	9.9
285	2948	17	0.48	4.7	8.2
300	2857	108	-0.21	8.4	15.0
315	2765	200	0.26	11.7	20.9
330	2548	417	0.48	17.1	29.5
345	2329	636	4.14	25.6	40.7

KPCS, CH. 32, SATELLITE OPERATION
COMPUTED CITY GRADE CONTOUR DATA
FEBRUARY 1988

<u>Azimuth</u>	Average Elevation Meters	Antenna Height Above Terrain Meters	Effective Power dBk	Distance to Contour 80 dBu km
0	1949	1016	19.00	45.1
15	2026	939	20.70	47.0
30	1938	1027	23.20	52.8
45	1849	1116	25.30	57.9
60	1827	1138	27.00	61.4
75	1806	1159	28.70	65.0
90	1785	1180	30.00	68.1
105	1786	1179	29.70	67.4
120	1788	1177	27.10	62.2
135	1789	1176	21.80	52.3
150	1869	1096	17.60	43.6
157	1907	1058	17.10	42.2
165	1952	1013	16.50	40.6
180	2037	928	17.80	41.8
195	2280	685	18.30	38.7
210	2523	442	17.20	31.4
225	2766	199	17.00	21.7
240	2857	108	16.30	15.4
255	2948	17	11.60	6.3
270	3039	-74	8.00	5.1
285	2948	17	5.00	4.3
300	2857	108	6.60	8.8
315	2765	200	6.60	11.9
330	2548	417	9.20	20.0
345	2329	636	12.60	29.1

# TABLE III KPCS - CH. 32 SATELLITE DATA FOR DETERMINATION OF EFFECTIVE RADIATED POWER FOR GRADE A AND GRADE B CONTOURS

<u>Azimuth</u>	HAAT Meters	Depression Angle Toward Horizon Degrees	Mechanical Plus Electrical Depression Angle* Degrees	E.R.P. dBk
0	1016	0.88	3.00	9.22
15	939	0.85	2.97	12.49
30	1027	0.89	2.87	14.68
45	1116	0.93	2.71	19.63
60	1138	0.93	2.50	23.18
75	1159	0.94	2.26	26.32
90	1180	0.95	2.00	28.60
105	1179	0.95	1.79	28.83
120	1177	0.95	1.50	27.32
135	1176	0.95	1.29	21.86
150	1096	0.92	1.13	18.20
157	1058	0.90	1.08	17.78
165	1013	0.88	1.03	17.34
180	928	0.84	1.00	18.20
195	685	0.73	1.03	18.41
210	442	0.58	1.13	17.34
225	199	0.39	1.29	16.14
240	108	0.29	1.50	15.10
255	17	0.15	1.74	9.77
270	-74	0.15	2.00	3.78
285	17	0.15	2.26	0.48
300	108	0.29	2.50	-0.21
315	200	0.39	2.71	0.26
330	417	0.57	2.87	0.48
345	636	0.70	2.97	4.14

<sup>\*</sup>Mechanical tilt 1° at N 0°E

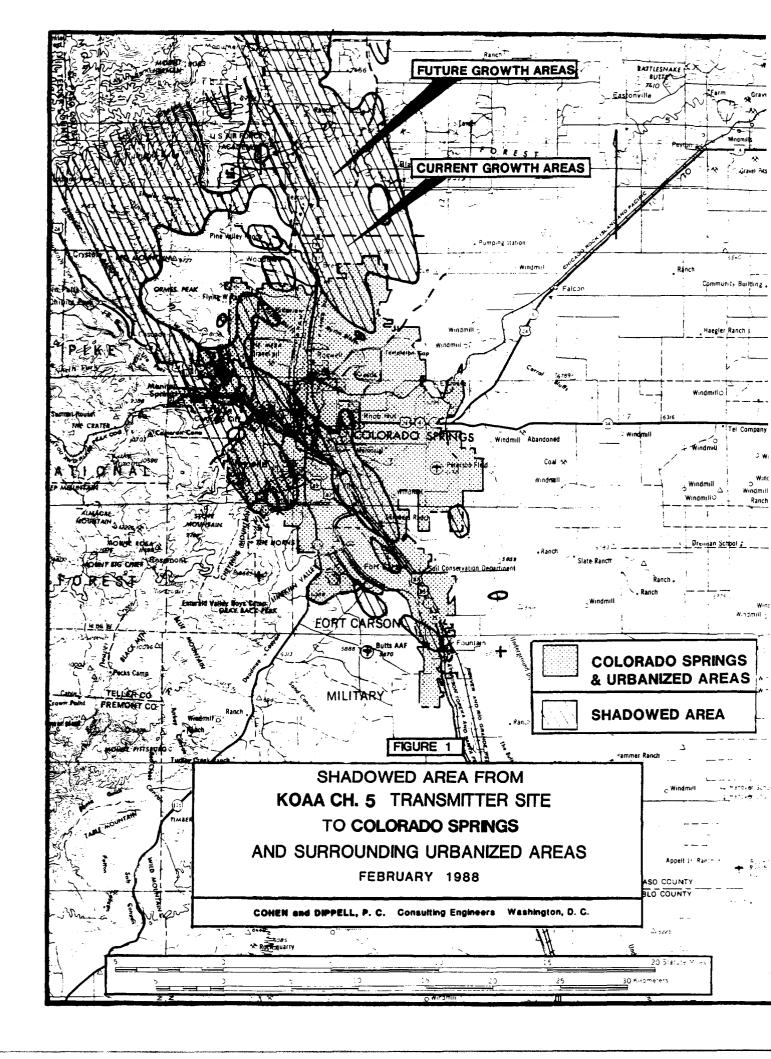
# TABLE IV KPCS - CH. 32 SATELLITE DATA FOR DETERMINATION OF EFFECTIVE RADIATED POWER FOR CITY GRADE CONTOUR

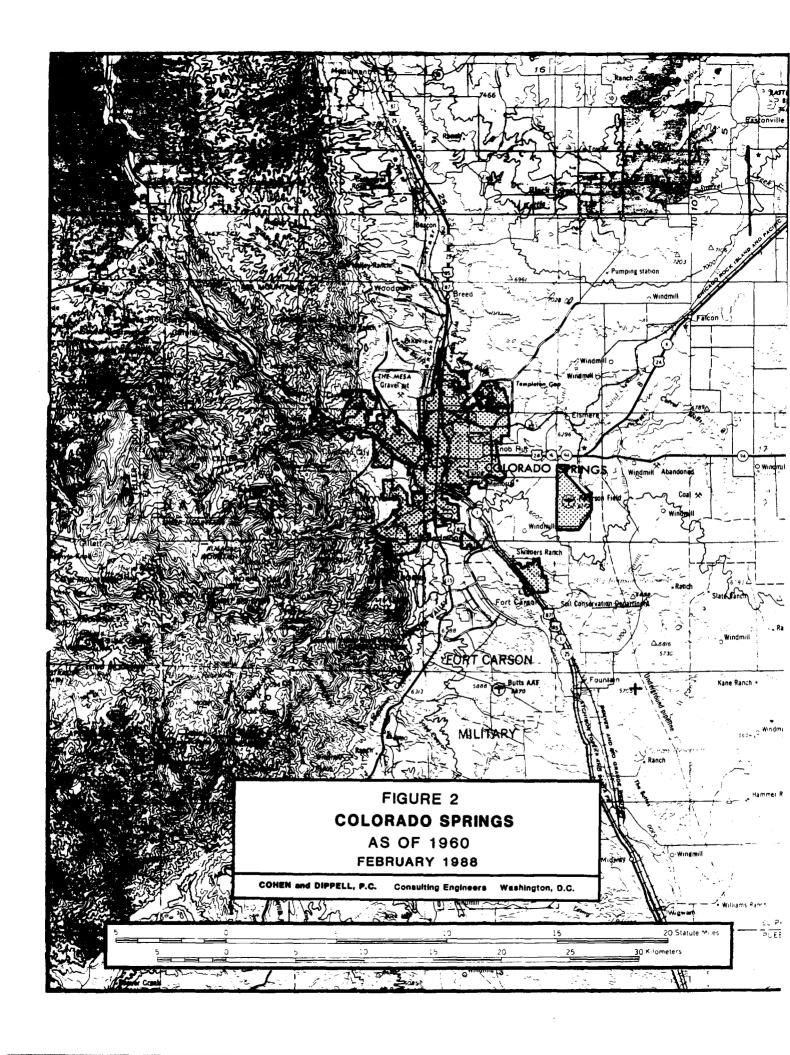
Azimuth Degrees	HAAT Meters	Depression Angle To 80 dBu Contour Degrees	ERP dBk
0	1016	1.56	19.0
15	939	1.67	20.7
30	1027	1.58	23.2
45	1116	1.41	25.3
60	1138	1.23	27.0
75	1159	1.24	28.7
90	1180	1.22	30.0
105	1179	1.23	29.7
120	1177	0.21	27.1
135	1176	-0.17	21.8
150	1096	-0.45	17.6
157	1058	-0.49	17.1
165	1013	-0.53	16.5
180	928	-0.41	17.8
195	685	-0.12	18.3
210	442	0.22	17.2
225	199	0.86	17.0
240	108	1.05	16.3
255	17	1.44	11.6
270	-74	1.64	8.0
285	17	1.84	5.0
300	108	1.77	6.6
315	200	1.71	6.6
330	417	1.61	9.2
345	636	1.63	12.6

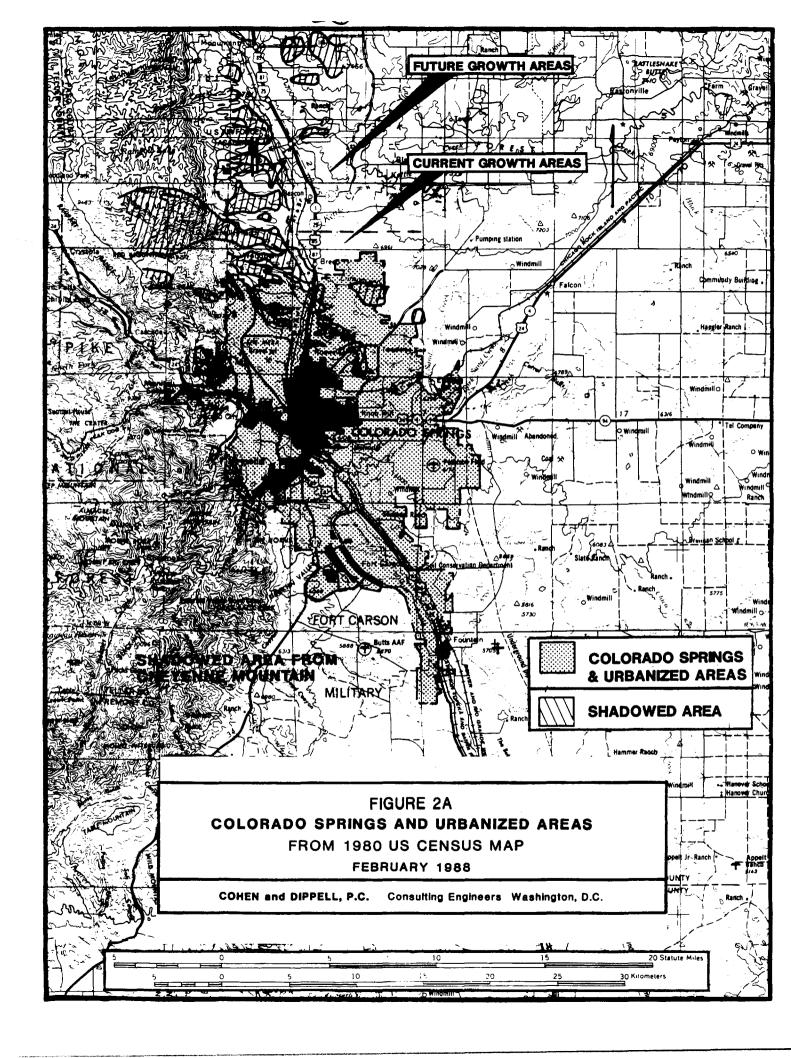
# POPULATION AND AREA DATA FOR GRADE B CONTOURS

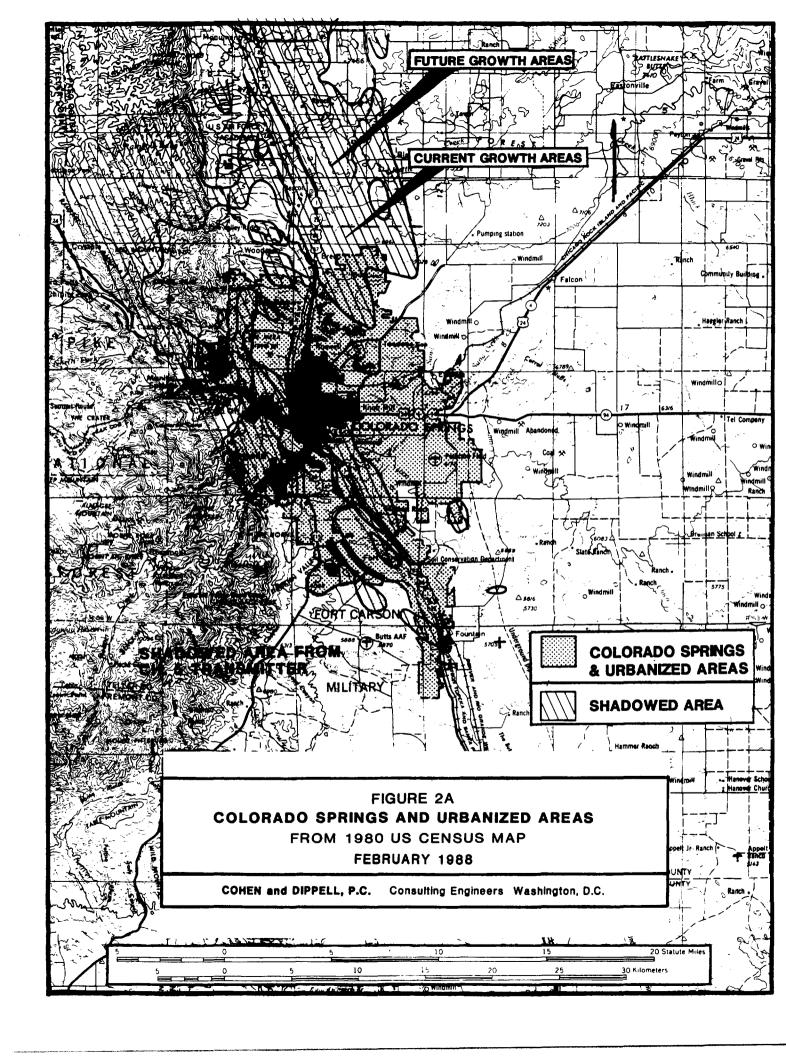
<u>Station</u>	Channel	<u>Population</u>	Area (Sq. km)
KKTV	11	1,699,126	33,841
KRDO-TV	13	1,683,250	30,787
KXRM-TV	21	687,537	23,106
KOAA-TV	5	543,690	39,599
<pre>KPCS(TV)   (satellite)*</pre>	32	450,913	13,851
KOAA-TV and KPCS(TV) (sat combined	:ellite)*	543,690	39,599

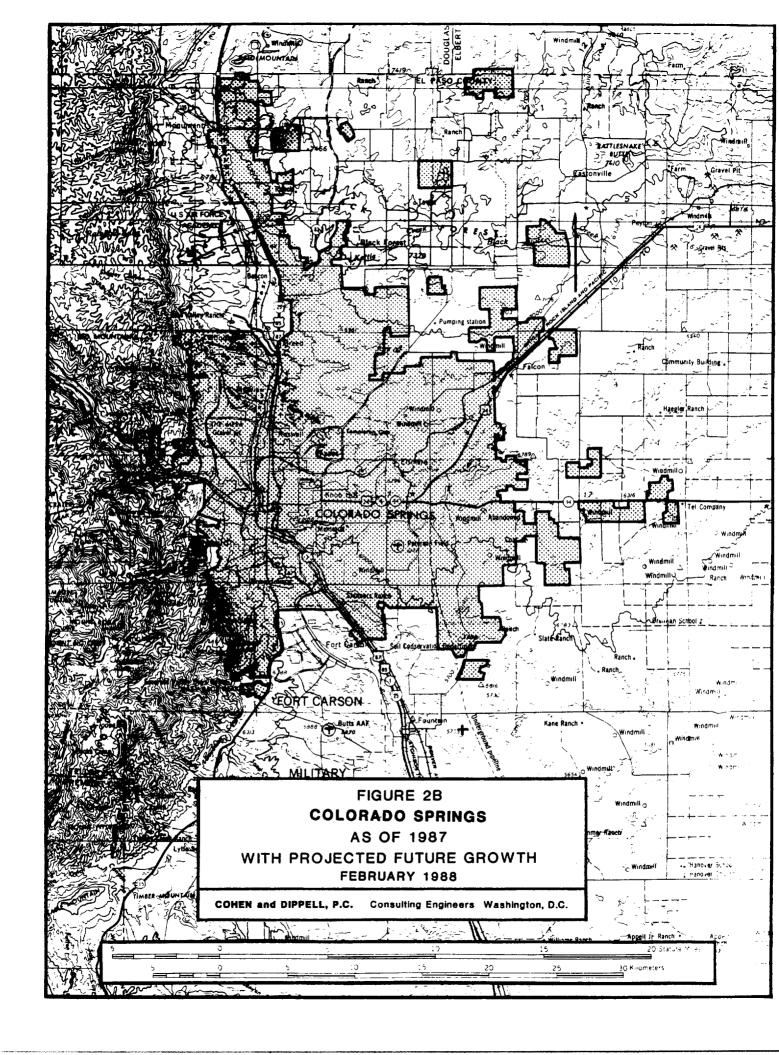
<sup>\*</sup>Modified as will be proposed

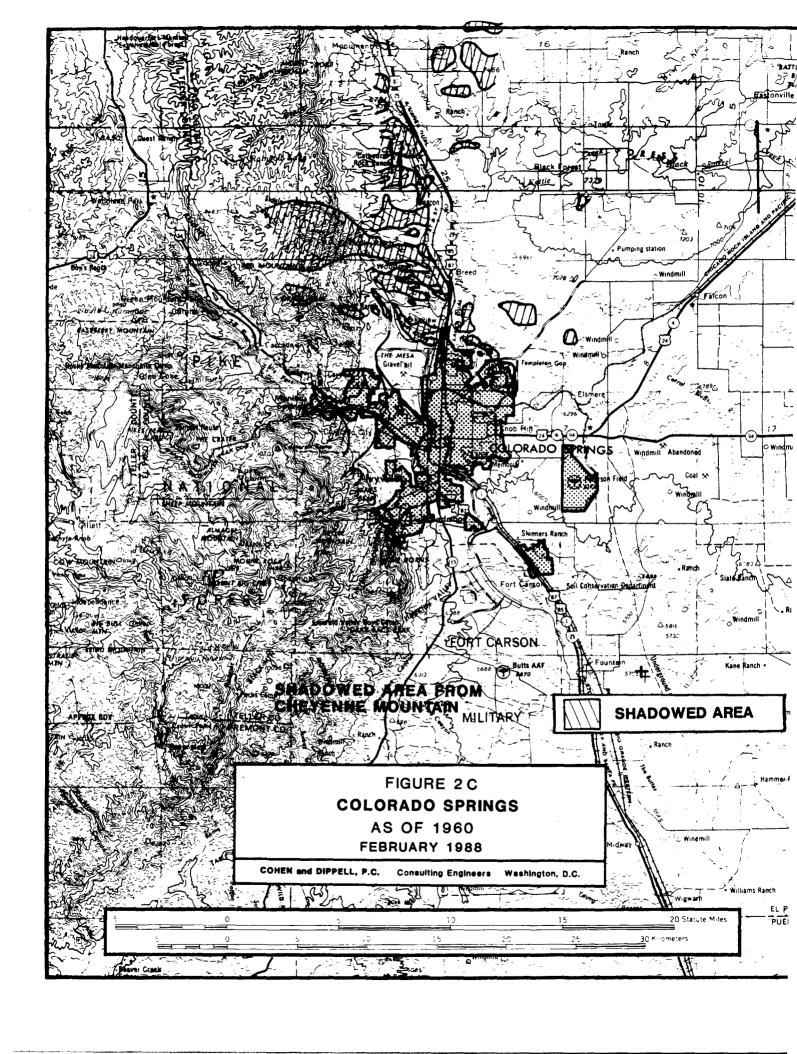


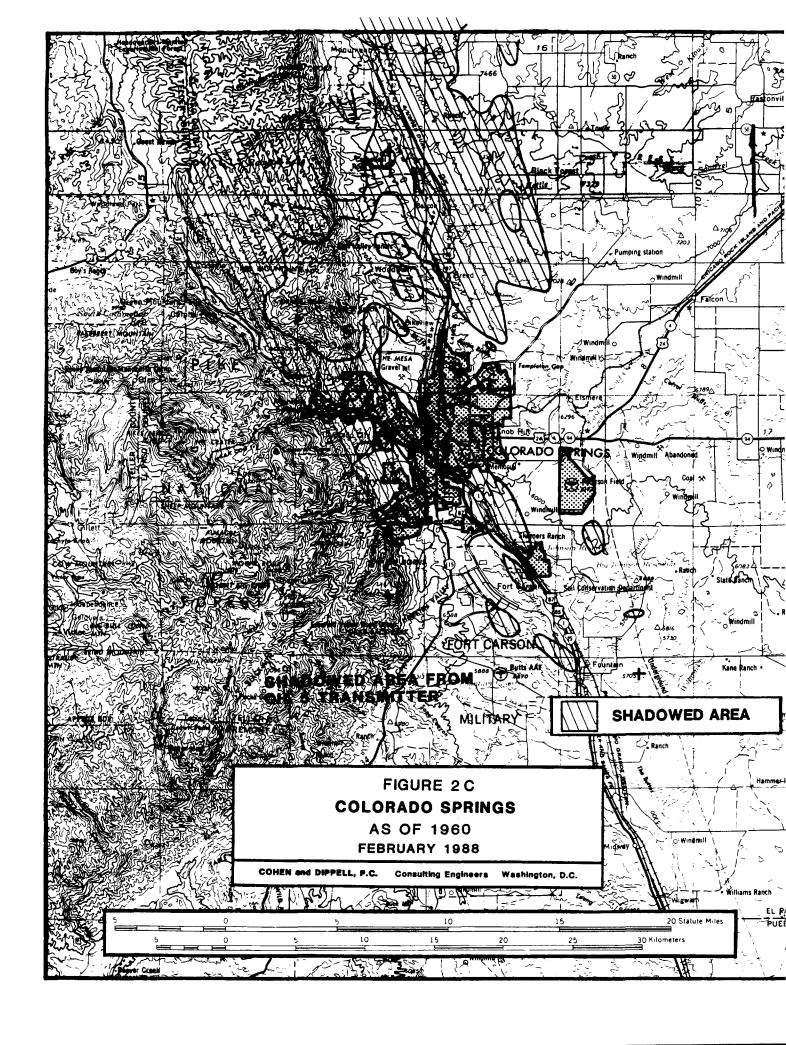


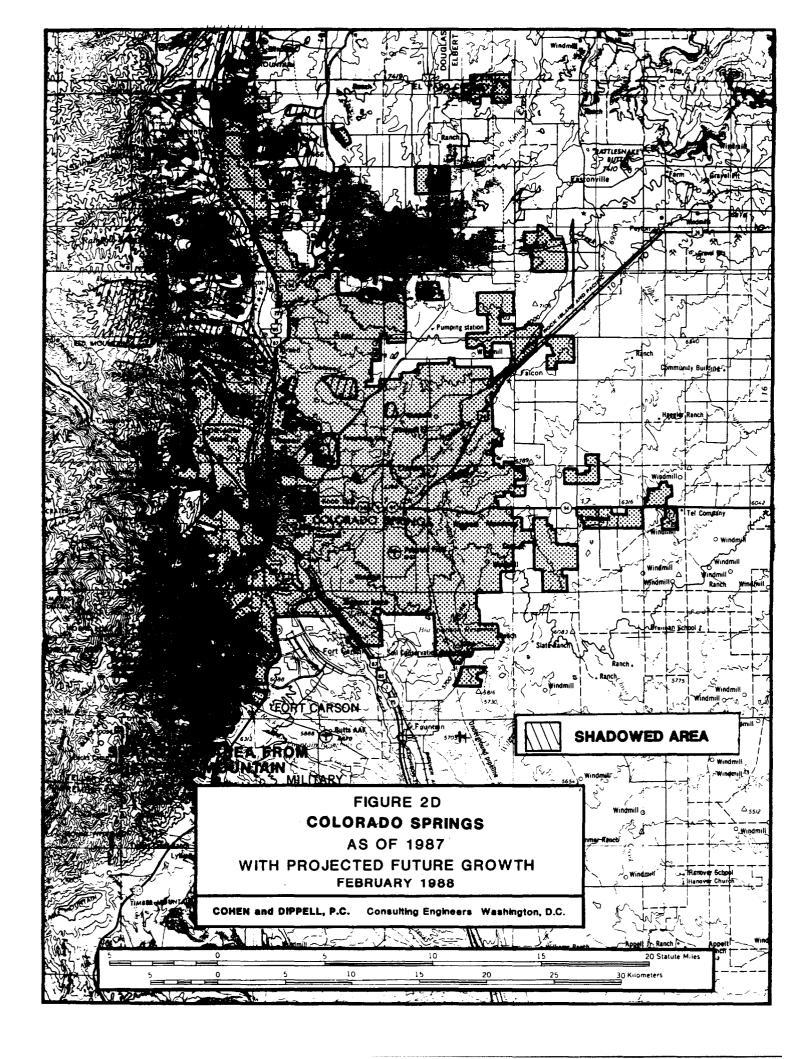


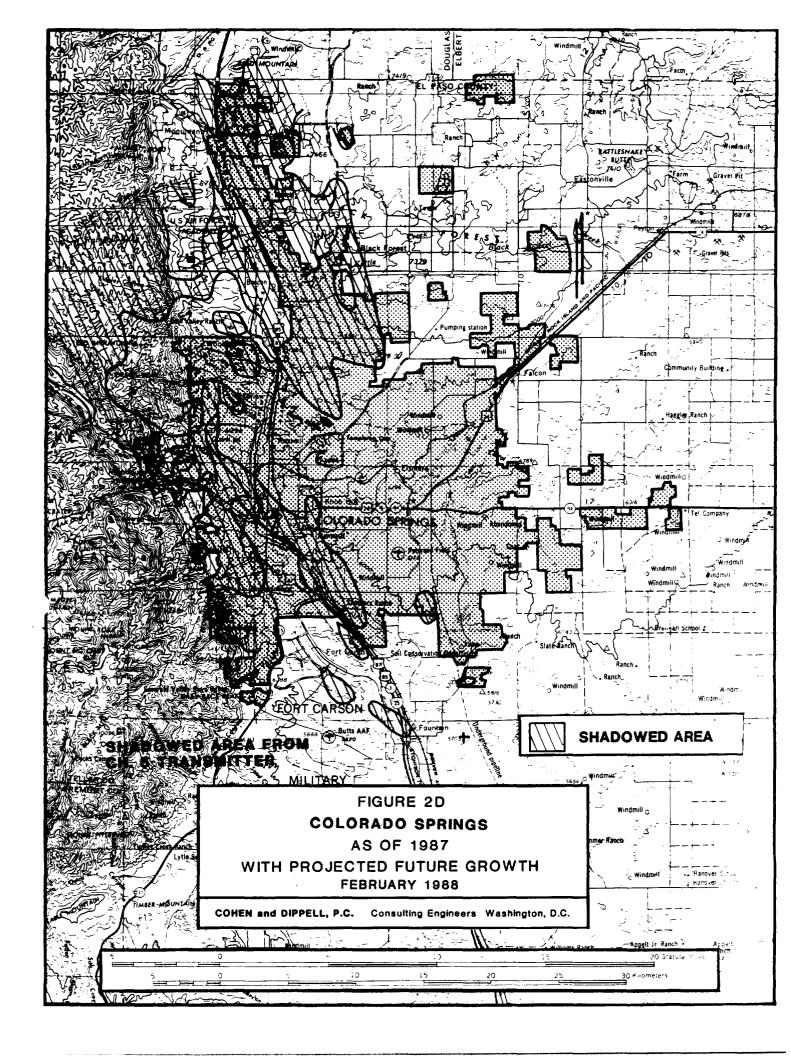


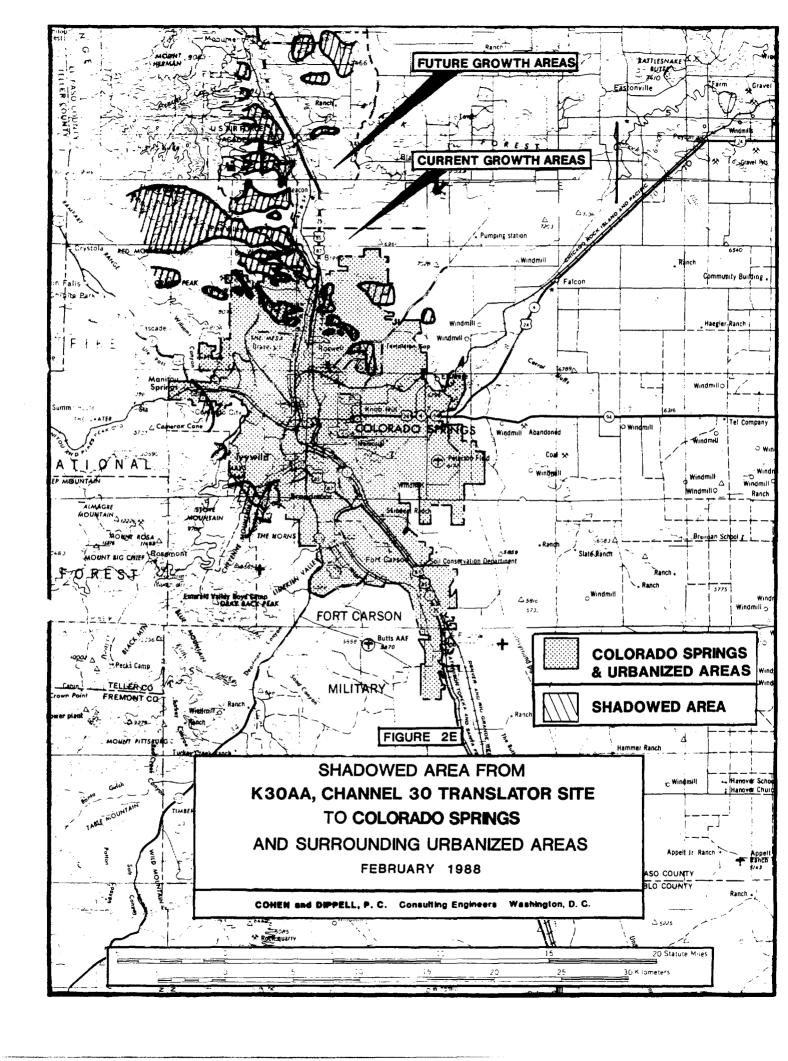


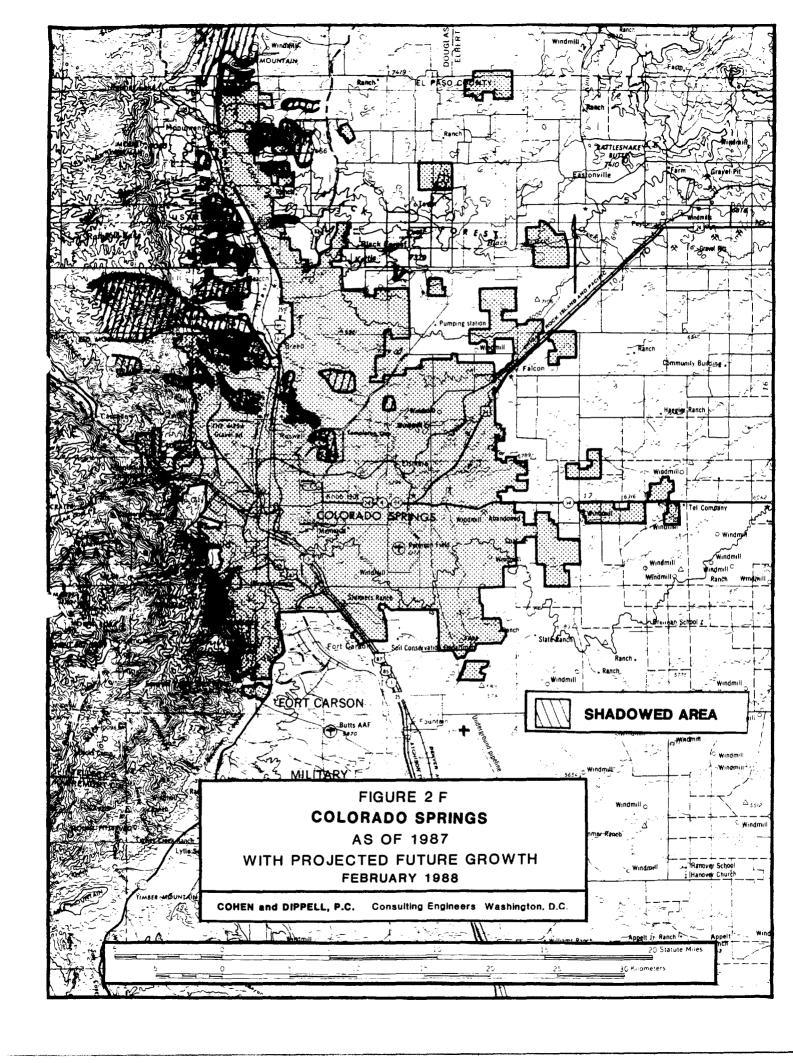


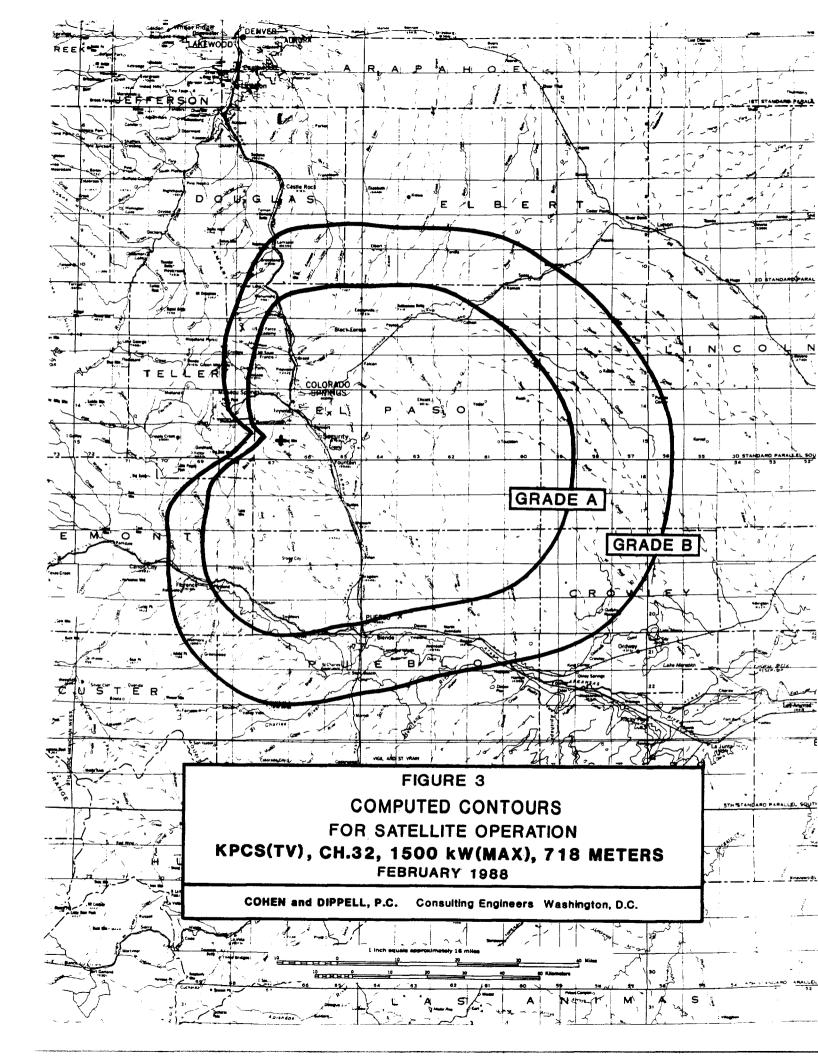


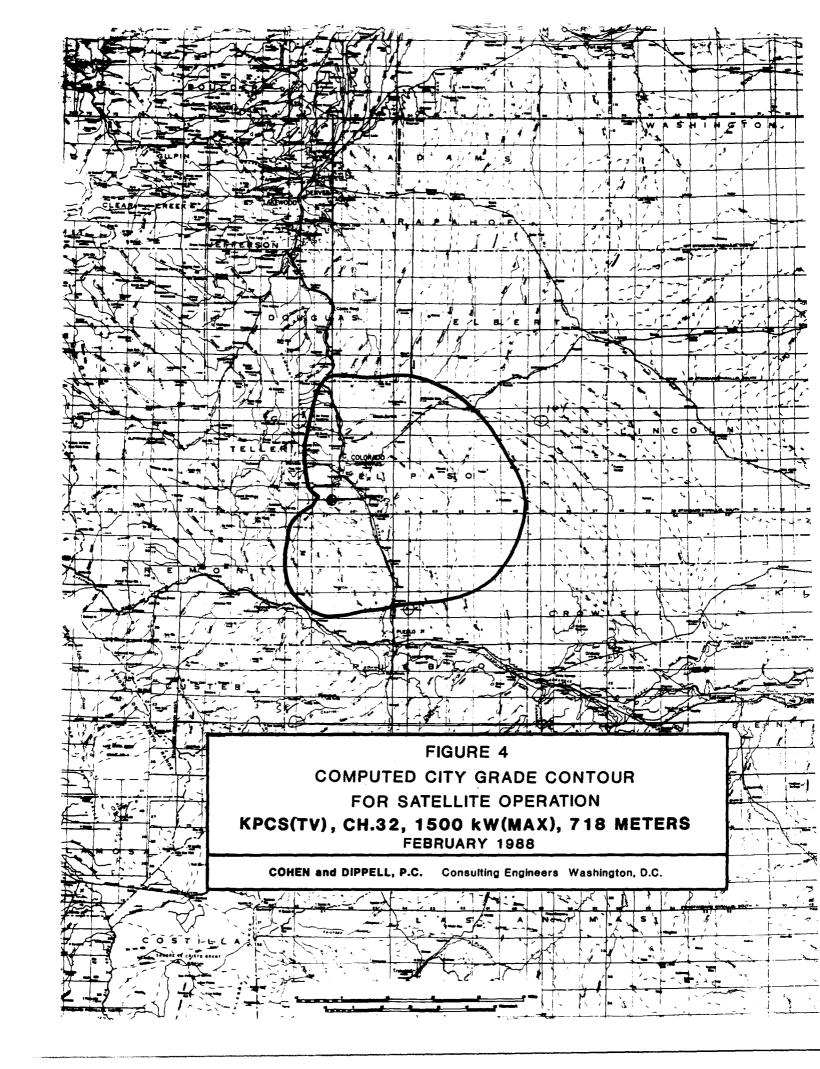












Bogner Broadcast Equipment Corp. 401 Railroad Avenue, Westbury, N.Y. 11590

Tel: (516) 997-7800

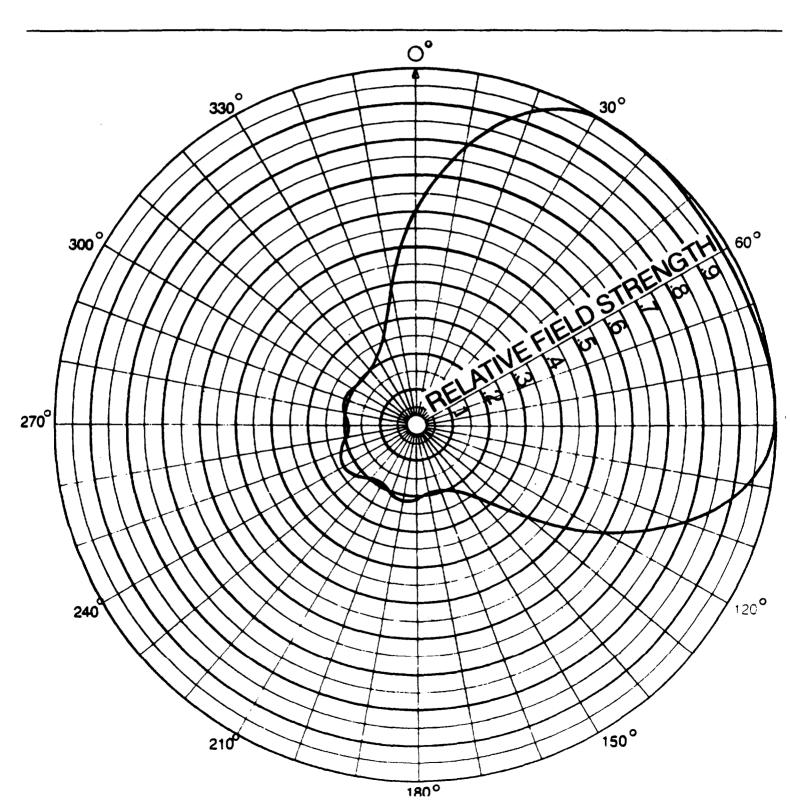
NOTE: CATALOG PATTERN REORIENTED WITH MAXIMUMS AT 30°, 40°, 80° AND 90°

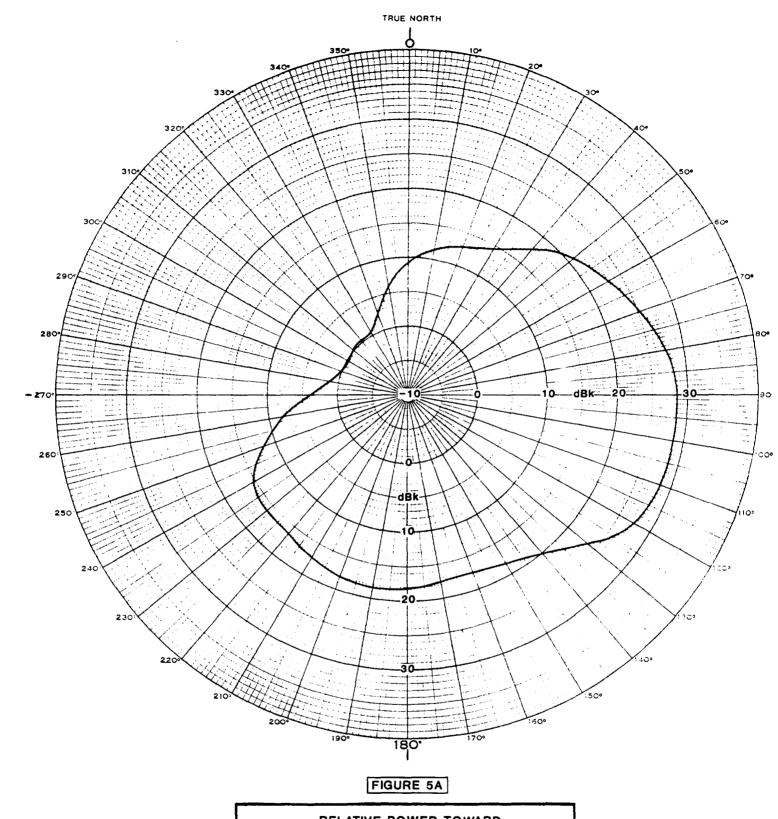
UHF high power antennas B series, catalog 201

Horizontal plane radiation pattern C

120°

Horizontal Gain 3.2





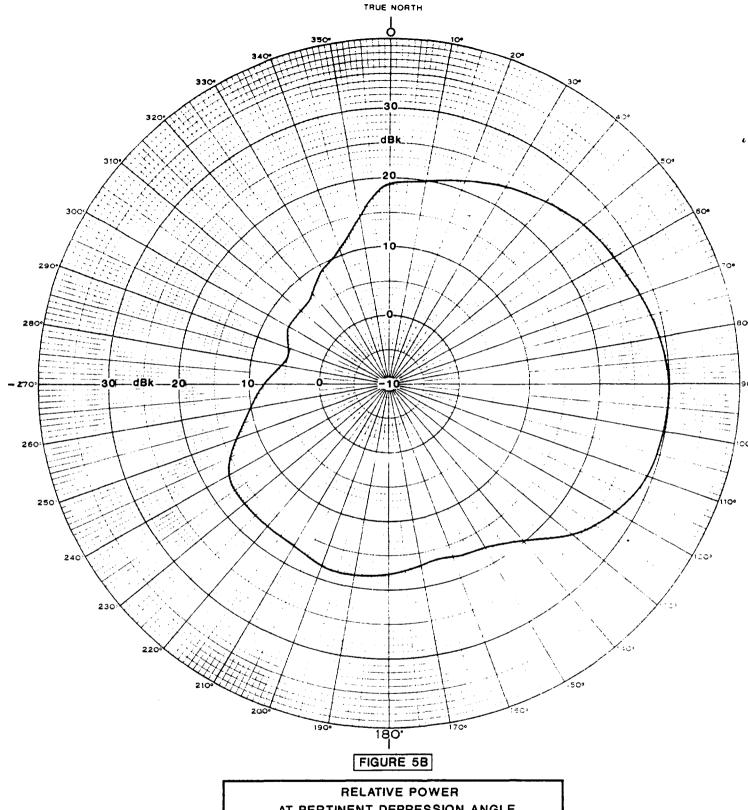
RELATIVE POWER TOWARD

RADIO HORIZON

FOR KPCS SATELLITE OPERATION

FEBRUARY 1988

COHEN and DIPPELL, P.C. Consulting Engineers Washington, D.C.



AT PERTINENT DEPRESSION ANGLE TOWARD CITY GRADE CONTOUR FOR KPCS SATELLITE OPERATION FEBRUARY 1988

COHEN and DIPPELL, P.C. Gonsulting Engineers Washington, D.C.

**Bogner Broadcast Equipment Corp.** 401 Railroad Avenue, Westbury, NY 11590

Tel: (516) 997-7800

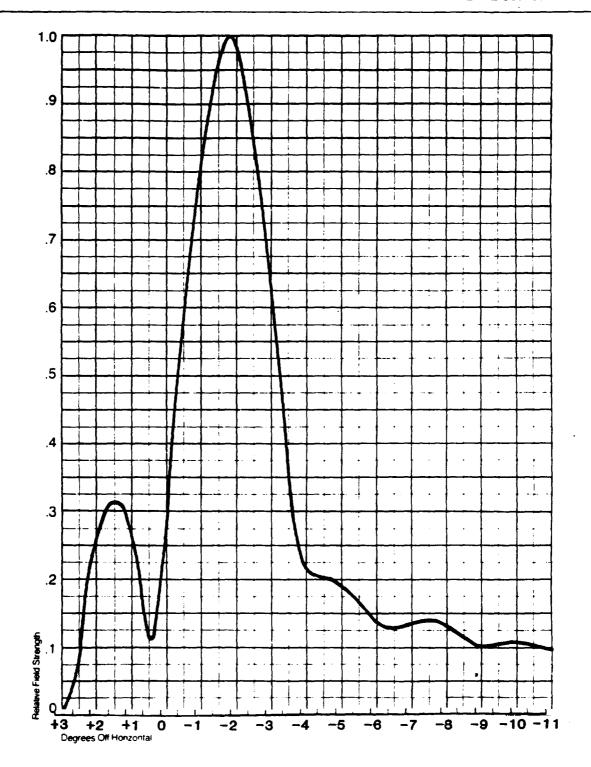
**NOTE: CATALOG PATTERN MODIFIED** WITH 2° ELECTRICAL TILT AND **REDUCTION IN GAIN BY 0.5 DB** 

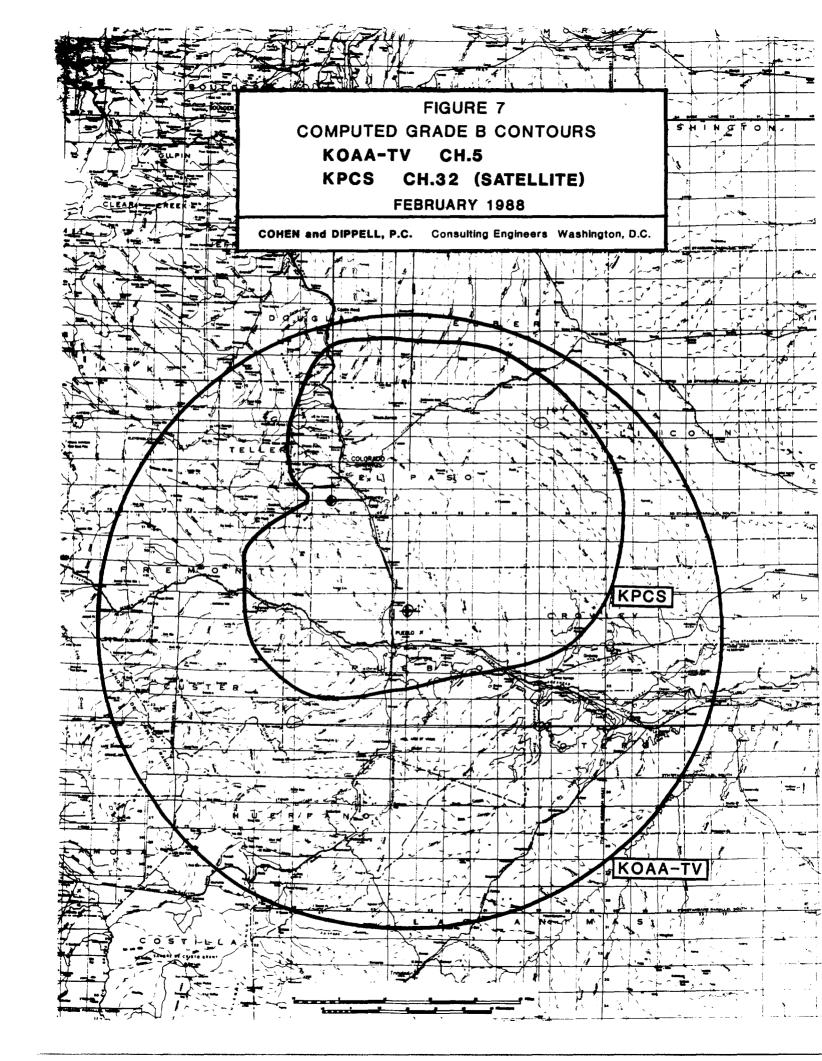
**UHF** high power antennas B series, catalog 201

**Calculated vertical** plane pattern

# Model BU( )24N

Power Gain: 25.0 (14.0 dB) Hor. Gain: 17.2 (12.4 dB) -2° Electrical Beam tilt





APPENDIX A FIELD SURVEY

# K30AA, COLORADO SPRINGS, COLORADO FEBRUARY 8, 1988

Point Number	Field St (dE Ch. 30	-	Number of Measurements* Ch.30/Ch.21	Location
1	74.3		12	Southside of Research Parkway, Contraels - Briargate area
2	60.9		7	Northwind
3	66.0	87.3	4/4	Briarglen
4	67.6	88.8	5/4	Sablechase-Briargate area
5	66.0	88.6	7/5	Sablechase-Briargate area
6	66.9		10	Chaparral Ridge

<sup>\*</sup>Number of uniformly spaced measurements in each home. dBu value represents average of these measurements

## Picture Quality

Point	TASO Ra	ting
<u>Number</u>	Ch. 30	<u>Ch. 21</u>
1	5	2
2	6	6
3-6	Observations	not made

# K30AA, COLORADO SPRINGS, COLORADO FEBRUARY 9, 1988

D.O.	int	Field St	rength-dBu	Picture Q	
	mber	Ch. 30	Ch. 21	TASO Ra	Ch. 21
1	A	71.8	84.6	5	2
	В	71.5	99	5	1
	С	67.5	90	4	1
	D	66.9	89.8	6	1
LO	CATION:	(Location	Apartments, Tem not shielded by g building)		
2	A	75.0	94.7	4/5	1
	В	76.7	99.4	5	1
	С	73.6	87.3	6	1
LO	CATION:	4414 Monte	oello Drive		
3	A	65.4	88.9	6*	1
	В	64.2	86.7	5*	3*
	С	68.1	78.5	5*	3*
		*Picture	Ghosting		
LO	CATION:	Sproul and	Dublin Kingsbr	idge Model Hom	e
4	A	72.2	94.7	4	1
	В	72.6	86.1	5	1
	С	74.2	91.4	5	1
LO	CATION:	2880 Woodla	and Hills Drive		
5	A	52.9	69.8	6	5
	В	55	75.9	6	4
LO	CATION:	Fall River	Drive - Montar	bor	

# FIELD TESTS ON STATION K30AA, COLORADO SPRINGS, COLORADO FEBRUARY 9, 1988 (cont)

	int mber	Field Stre	ength-dBu Ch. 21	Picture TASO R	~ -
6	A	70.2	93.3	5	1
	В	71.1	85.4	5	1
	С	78.2	97.8	3	1
ГÒ	CATION:	Briargate -	7504 Picacho	Court	
7	A	71.8	87.9	4*	3*
	В	72.6	91.0	4 *	3*
	С	66.2	86.1	4 *	3*
	D	64.6	86.1	3*	1
		*Picture 0	hosting		

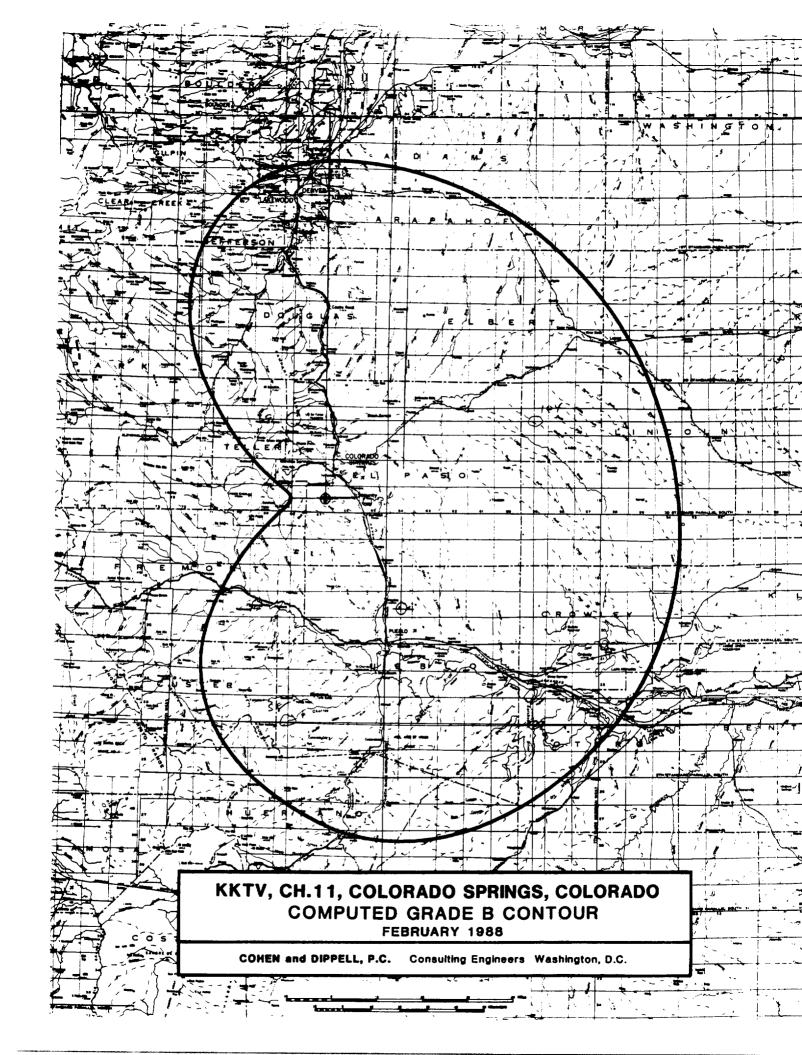
LOCATION: 8115 Avens Circle near Rangewood Drive and Woodman Road

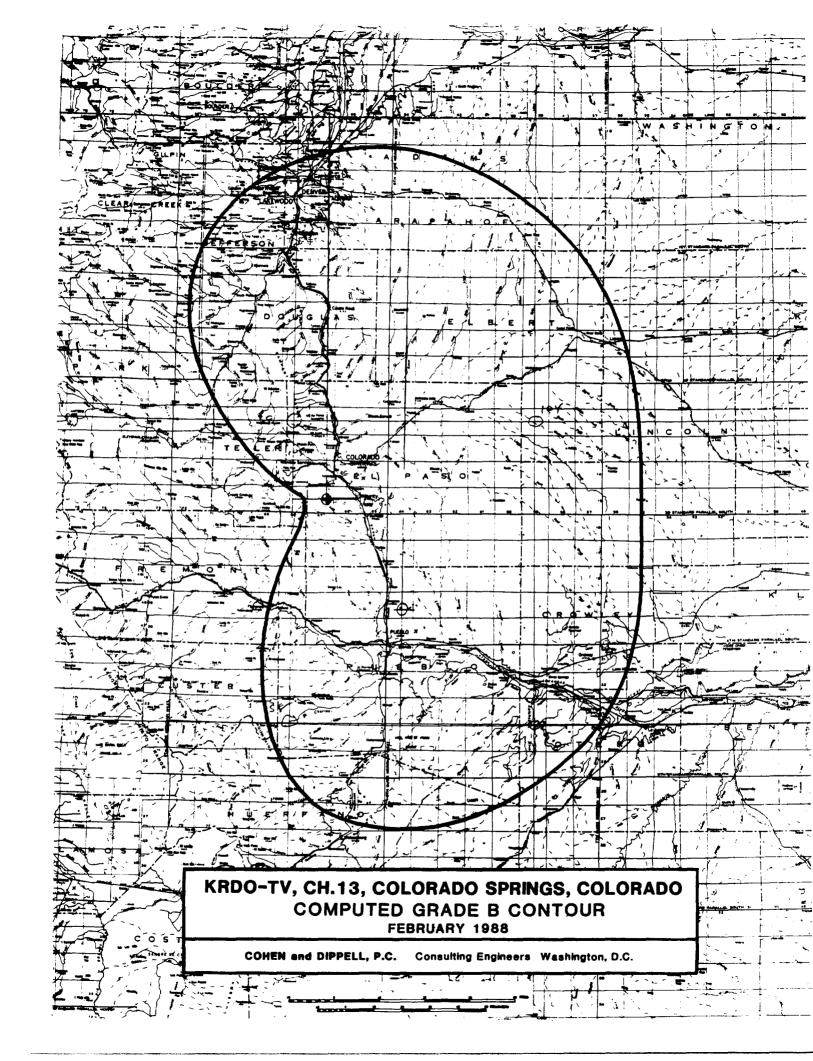
## TASO RATINGS

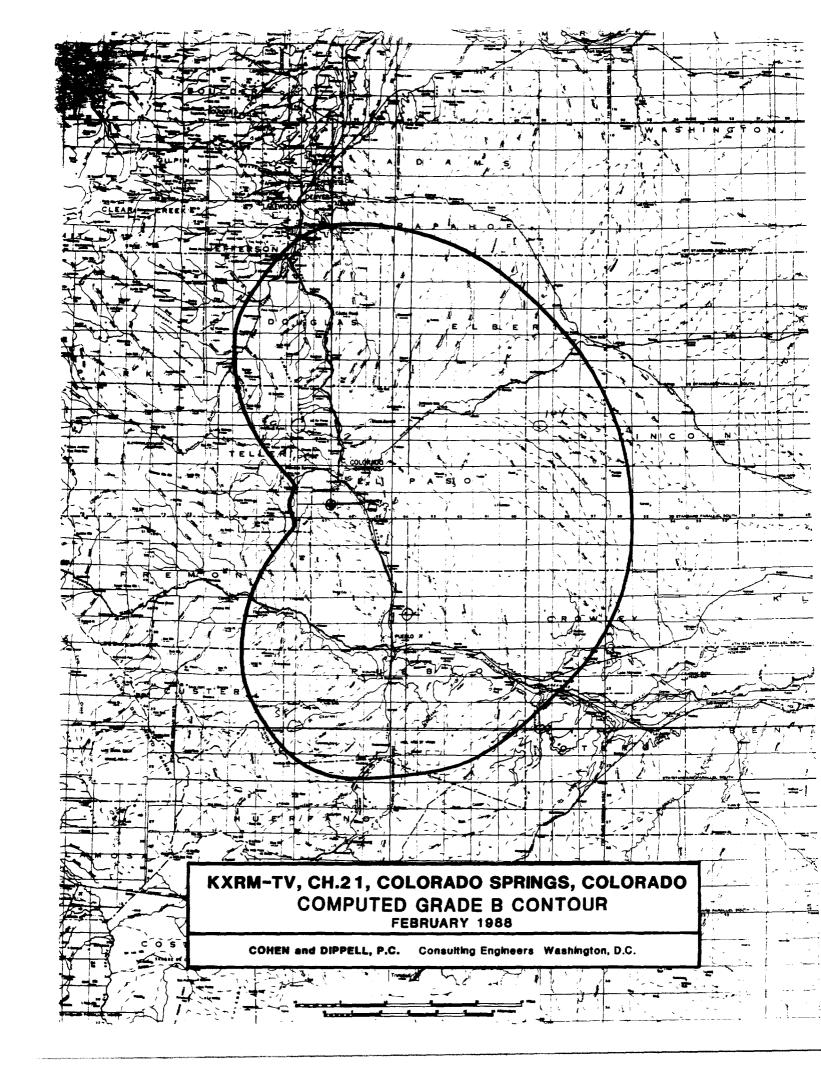
Number	<u>Name</u>	Description
1	Excellent	The picture is of extremely high quality, as good as you could desire
2	Fine	The picture is of high quality providing enjoyable viewing. Interference is perceptible
3	Passable	The picture is of acceptable quality. Interference is not objectionable
4	Marginal	The picture is poor in quality and you wish you could improve it. Interference is somewhat objectionable
5	Inferior	The picture is very poor but you could watch it. Definitely objectionable interference is present
6	Unusable	The picture is so bad that you could not watch it

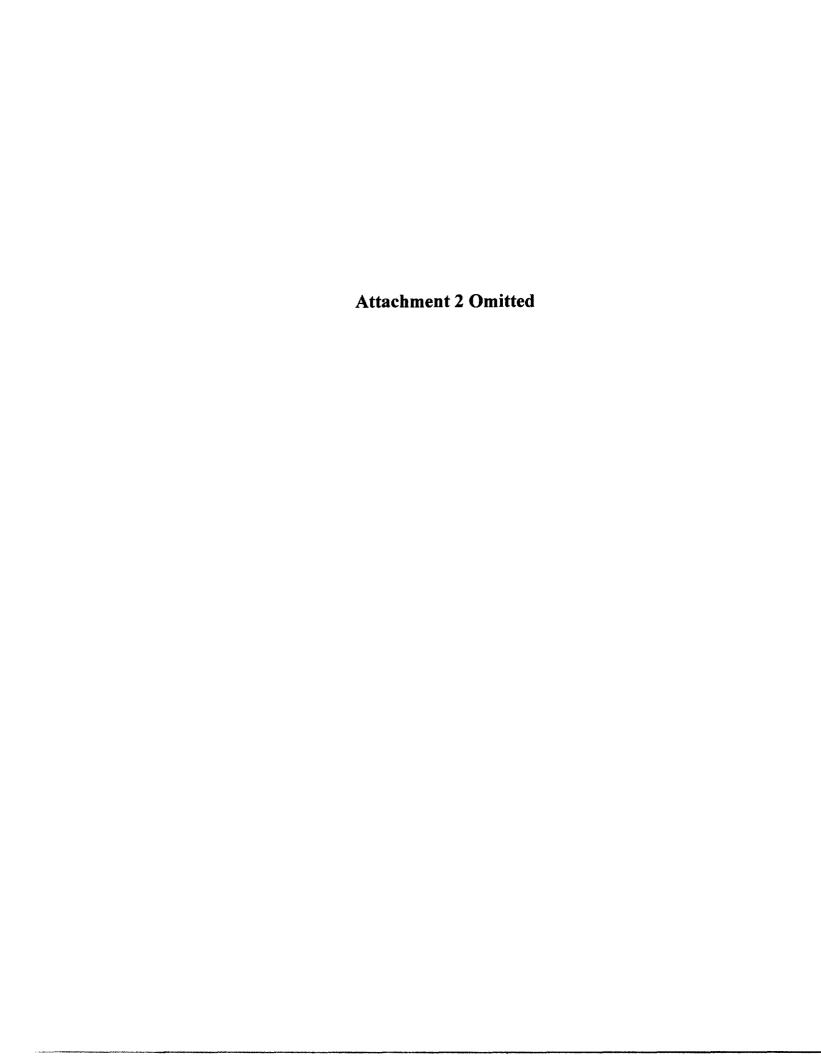
#### APPENDIX B

COMPUTED CONTOURS FOR KKTV, CH. 11 KRDO-TV, CH. 13 KXRM-TV, CH. 21











PHOTOGRAPHS OF ILLUSTRATIVE COLORADO SPRINGS TERRAIN



Palmer Park/Austin Bluffs Area Looking Northwest



Northwest Colorado Springs Looking South-Southwest Toward Cheyenne Mountain



Northeast Colorado Springs Looking West



Northeast Colorado Springs Looking Northwest

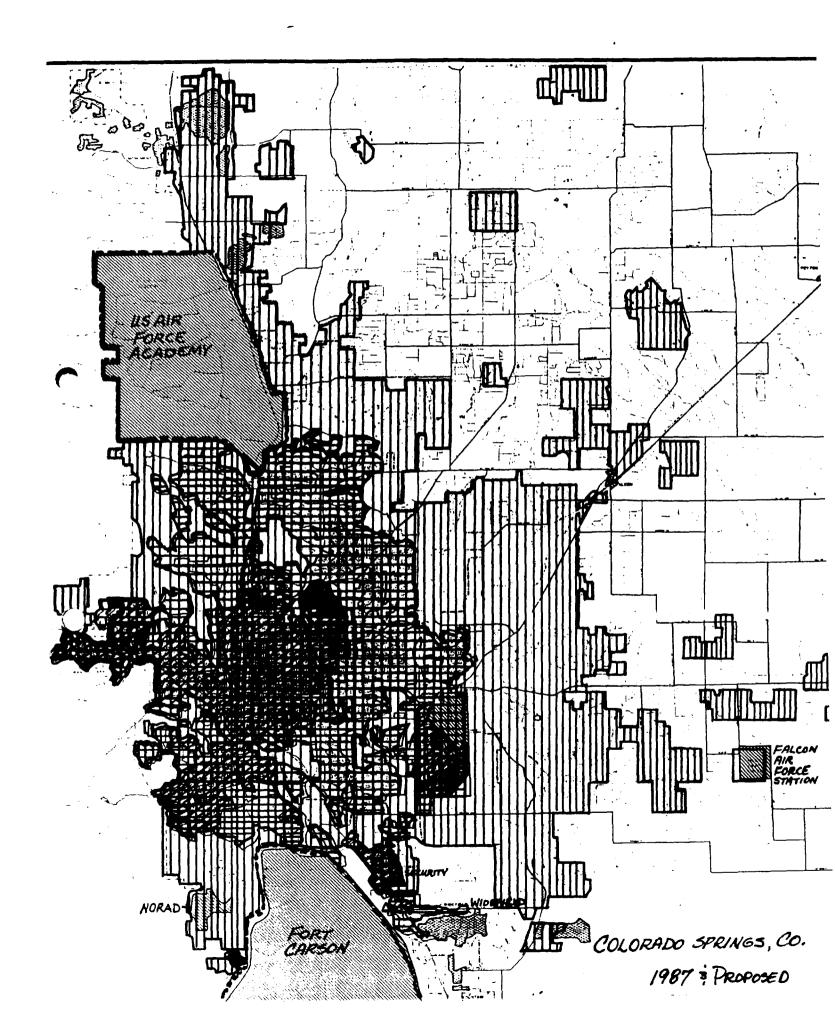


Northeast Colorado Springs Looking South



Northeast Colorado Springs Looking Southwest

GROWTH OF COLORADO SPRINGS, COLORADO 1960 - 1984 - 1987 & PROPOSED A ....



SYNOPSIS OF LOCAL REGULATIONS CONCERNING ROOFTOP ANTENNAS



#### SUBDIVISION ANTENNA RULES



#### MOUNTAIN SHADOWS DEVELOPMENT

Currently 456 single family homes. They estimate there will eventually be 5,000 dwelling units.

"Declaration of condition, convenants, restrictions and easements" for Mountain Shadows (filing #4).

#### Article 2 Section 207 Antennas

No aerial or antenna for reception or transmission of radio or television or other electronic signals shall be maintained on the roof of any building nor shall they be maintained at any other exterior location unless screened in a manner approved by the approving authority.

#### BRIARGATE

Approximately 3,500 homes.

"Declaration of condition, convenants, restrictions and easements" for Gatehouse Village at Briargate (filing #3).

#### Book 5197, Page 0180, Section 207 Roof Projections

No aerial, antenna or microwave system for reception or transmission of radio, television, or other electronic signals or other roof projection including but not limited to lightening rods and weather vanes shall be maintained on the roof or any other exterior location of a building or lot unless fully screened in a manner approved by the approving authority so as not to be visible at ground level from neighboring property or adjoining streets.

#### GLEN EAGLE

Eventually 2,000 single family units. Currently there are 529 single family homes and 103 families in townhomes.

"Restated declaration of covenants, restrictions and changes for Glen Eagle."

Section 124 - No aerials or antennas for reception or transmission of radio or television or other electronic signals shall be maintained on the roof of any building nor shall they be maintained at any location so as to be visible from neighboring properties or adjacent streets.

#### NORWOOD DEVELOPMENT

Currently about 1,500 living units, mostly single family homes. They project there will be about 10,000 dwelling units.

"Declaration of Protective Convenants"

#### Section 15 - Towers, Dishes and Antennas

No towers, satellite dishes and antennas or other devices for the transmission or reception for radio television or other signals shall be permitted on any of the property without the prior written consent of the architectural control committee. No approval shall be granted if such tower, satellite dish, antenna or other device is visible from a street or nearby lots.

#### PEREGRINE DEVELOPMENT

Currently 49 single family homes. There are 159 lots to develop.

Section 202 - No aerial, satellite dish, antenna or other device for reception or transmission of radio or television or other electronic signals shall be maintained on the roof of any building nor shall they be maintained at any other exterior loction so as to be visible from adjacent streets & property.





# TECHNICAL EXHIBIT IN SUPPORT OF COMMENTS ON PROPOSED RULEMAKING MM DOCKET #93-191 RM 8088 - KOAA/KTSC TELEVISION STATIONS by: KKTV. INC. COLORADO SPRINGS. COLORADO September 1993

Technical Exhibit
TE-1

Bromo Communications, Inc.
P.O. Box 21760 - 1331 Ocean Boulevard, Suite 201
St. Simons Island, Georgia 31522
(912) 638-5608

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# TECHNICAL EXHIBIT IN SUPPORT OF COMMENTS ON PROPOSED RULEMAKING MM DOCKET #93-191 RM 8088 - KOAA/KTSC TELEVISION STATIONS by: KKTV. INC. COLORADO SPRINGS, COLORADO September 1993

This Technical Exhibit supports the comments of KKTV, Inc., in MM Docket #93-191, RM 8088. MM Docket #93-191 requests to swap TV channels 8 and 5 in Pueblo, Colorado, and redesignate the channels for commercial/non-commercial service respectively. It is noted that KTSC holds a construction permit to relocate their transmission facilities to the north/northwest of their present licensed site.

A detailed population study was conducted to determine the net loss or gain of population receiving primary non-commercial television service as a result of the exchange of television channels and transmission facilities between KTSC and KOAA in Pueblo. The primary off-the-air signal used in this analysis is the Grade 'B' contour as defined in \$73.683(a) of the Commission's rules for the various channels. The population figures are manually extracted from the County, County Subdivision, and Place tabulations from the 1990 U.S. Census.

KTSC presently operates on Channel 8. The Channel 8 Grade 'B' contour is 56 dBu (FCC 50/50). KOAA presently operates on Channel 5. The Channel 5 Grade 'B' contour is

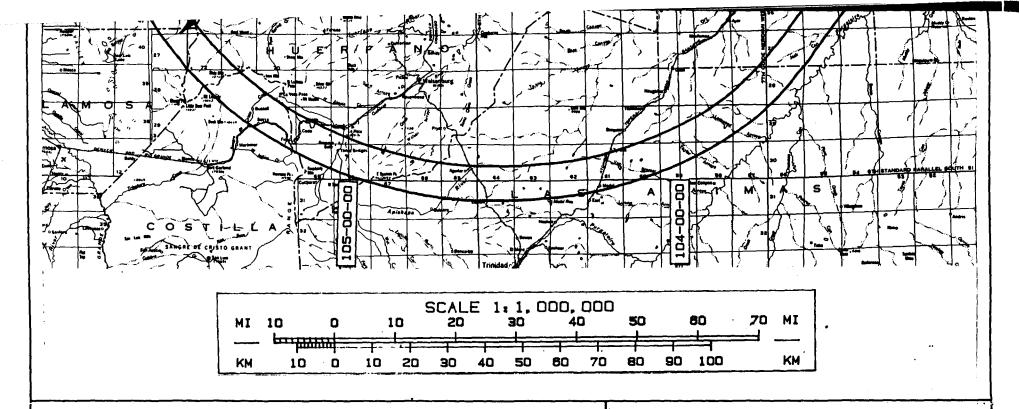
47 dBu (FCC 50/50). In analysing this data, we are assuming that KTSC will be operating the KOAA Channel 5 facilities and KOAA will assume operation of the KTSC Channel 8 licensed transmitter facility.

Exhibit #1 is a map of Colorado with the pertinent areas of interest denoted for determining non-commercial service.

Only those areas which do not otherwise receive primary, off-the-air non-commercial service are considered in this population loss/gain study. In this analysis, the service area in each county subdivision was determined using a polar planimeter. The area which will gain (or lose) Grade 'B' service was determined, again, using a polar planimeter. The general population served within the appropriate contour was then calculated assuming even distribution of population within the subdivision (excluding the population within the cities, places and CDPs). When appropriate, the population within the city, place and/or CDP was then added back to the general population figure calculated above. The resulting figures were tabulated in Exhibit #2.

Exhibit #3 is a map of Colorado with the pertinent areas of interest denoted for determining commercial service. In a manner consistent with the above analysis, those areas which do not otherwise receive primary, off-the-air commercial service are considered in this population loss/gain study. The resulting figures were tabulated in Exhibit #4.

It is noted that some 2,216 persons stand to lose their only primary, off-the-air commercial service by this exchange of channels.



# NON-COMMERCIAL SERVICE CHANGE

MAP IS A PORTION OF THE USGS 1,000,000 SCALE MAP OF 'COLORADO'

CHANNEL 2-6 47 dBu
CHANNEL 7-13 58 dBu
CHANNEL 14-69 64 dBu

EXHIBIT #1

KKTV, INC.

COMMENTS ON RM 8088

MM DOCKET #93-191

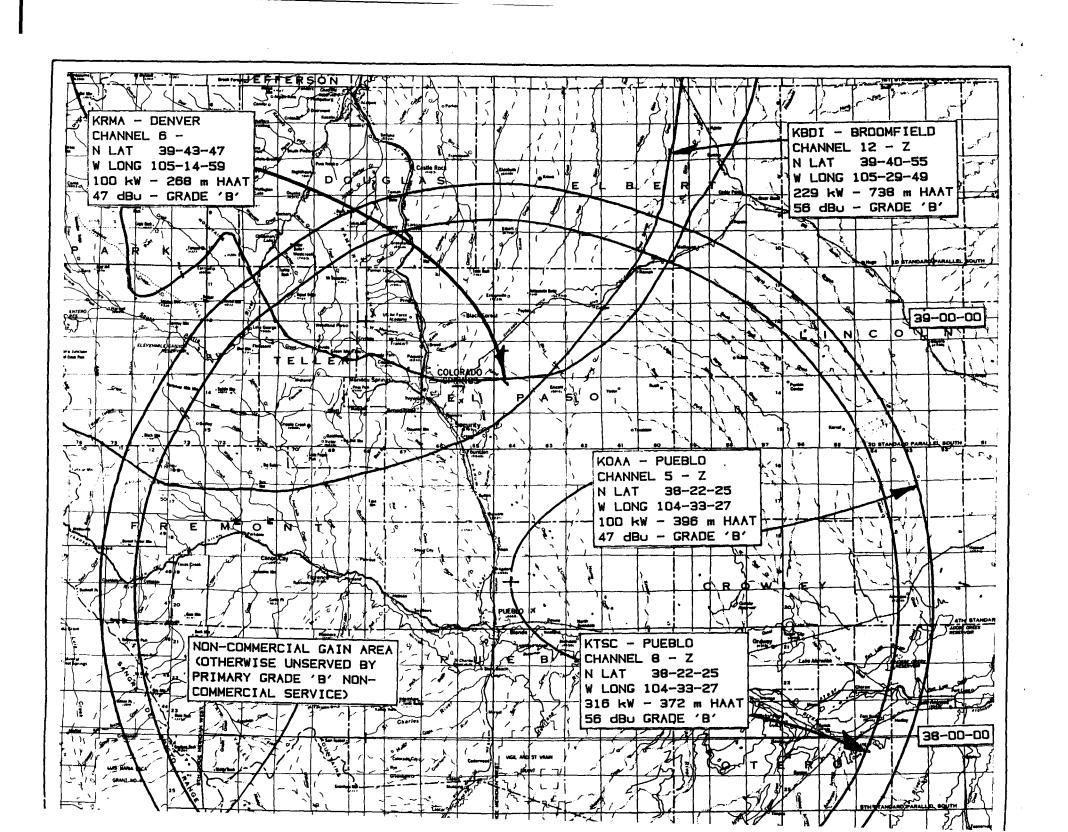
CHANNEL EXCHANGE

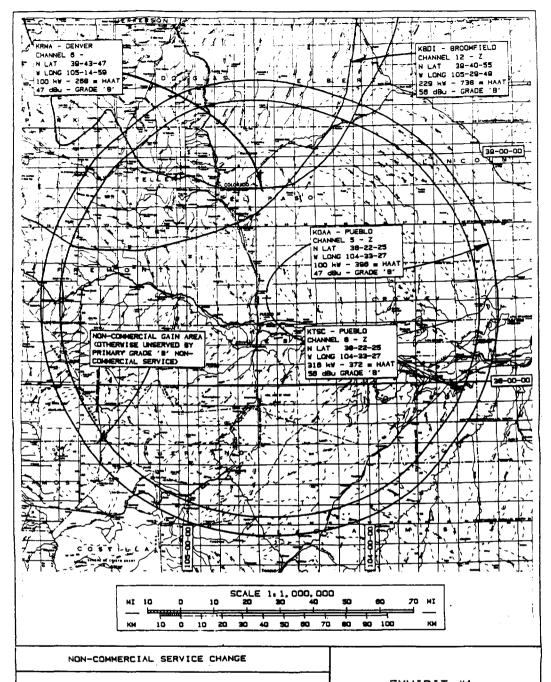
PUEBLO, COLORADO

SEPTEMBER 1993

BROMO TECHNICAL CONSULTANTS
COVINUIVICATIONS

St Simons Island, Georgia





MAP IS A PORTION OF THE USGS 1.000,000 SCALE MAP OF 'COLORADO'

CRADE '8' CONTOURS. CHANNEL 2-8 47 dSu CHANNEL 7-13 56 dSu CHANNEL 14-69 64 dSu EXHIBIT #1 KKTV. INC. COMMENTS ON RM 8088

MM DOCKET #93-191 CHANNEL EXCHANGE PUEBLO. COLORADO SEPTEMBER 1983

BROMO TECHNICAL CONSULTATIONS

St Simons Island, Georgia

# TECHNICAL EXHIBIT IN SUPPORT OF COMMENTS ON PROPOSED RULEMAKING

# MM DOCKET #93-191

# RM 8088 - KOAA/KTSC TELEVISION STATIONS

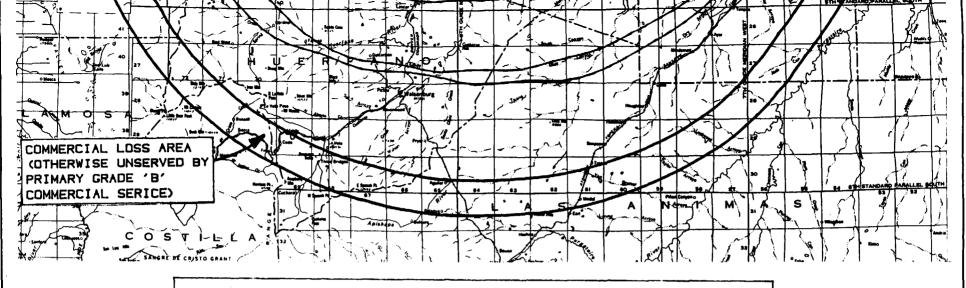
# by: KKTY, INC.

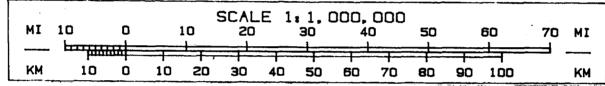
# COLORADO SPRINGS. COLORADO September 1993

# EXHIBIT #2

# NON-COMMERCIAL SERVICE GAIN

COUNTY/SUBDIVISION	GAIN
Elbert Simla	603
Lincoln Hugo Karval	43 81
Saguache Saguache	138
Alamosa Mosca-Hooper	308
Costilla Blanca	139
Kiowa Hazwell	15
Bent Las Animas Purgatorie	470 6
Otero Timpas Cheraw	24 29
Las Animas Model Augilar Trinidad	43 591 49
Huerfano Walsenberg La Veta Gardner	57 155 82
Custer Westcliff	24
Freemont Cotopaxi	49
TOTAL GAIN	2906





# COMMERCIAL SERVICE CHANGE

MAP IS A PORTION OF THE USGS 1,000,000 SCALE MAP OF 'COLORADO'

GRADE 'B' CONTOURS: CHANNEL 2-6 47 dBu CHANNEL 7-13 56 dBu CHANNEL 14-69 64 dBu EXHIBIT #3

KKTV, INC.

COMMENTS ON RM 8088

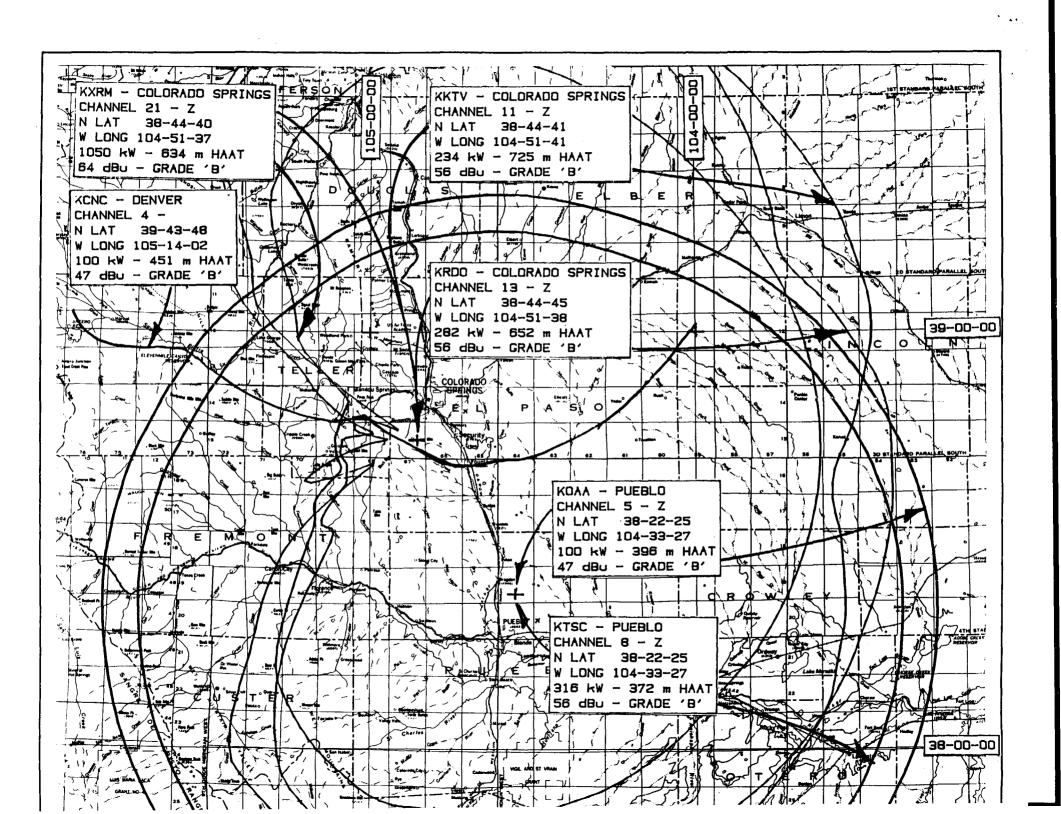
MM DOCKET #93-191

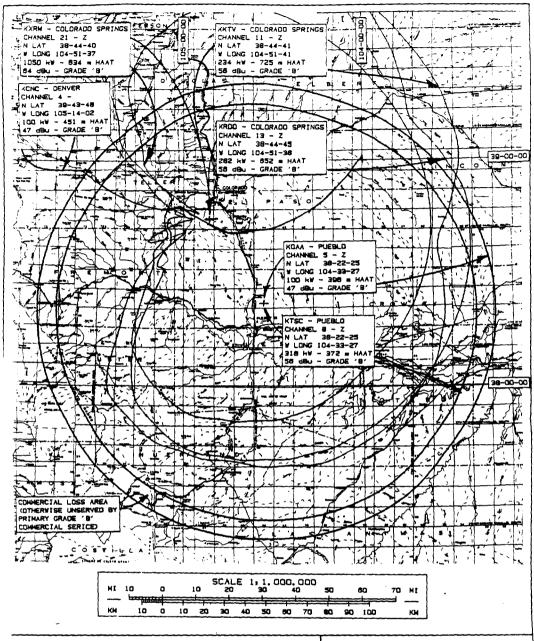
CHANNEL EXCHANGE

PUEBLO, COLORADO SEPTEMBER 1993

# BROMO TECHNICAL CONSULTANTS COMMUNICATIONS

St Simons Island, Georgia





### COMMERCIAL SERVICE CHANGE

MAP IS A PORTION OF THE USGS 1,000,000 SCALE MAP OF 'COLORADO'

GRADE '8' CONTOURS: CHANNEL 2-6 47 dBu CHANNEL 7-13 58 dBu CHANNEL 14-69 64 dBu EXHIBIT #3

KKTV. INC.

COMMENTS ON RM 8088

MM DOCKET #93-191

CHANNEL EXCHANGE
PUEBLO. COLORADO

SEPTEMBER 1993

BROMO TECHNICAL CONSULTANTS
COMMUNICATIONS

Sr Simons Island, Georgis

# TECHNICAL EXHIBIT IN SUPPORT OF COMMENTS ON PROPOSED RULEMAKING

# MM DOCKET #93-191

RM 8088 - KOAA/KTSC TELEVISION STATIONS
by: KKTV. INC.
COLORADO SPRINGS. COLORADO September 1993

# EXHIBIT #4

# COMMERCIAL SERVICE LOSS

COUNTY/SUBDIVISION	GAIN
Lincoln Karval	37
Saguache Saguache	138
Alamosa Mosca-Hooper	308
Costilla Blanca	139
Kiowa Hazwell	15
Bent Las Animas Purgatorie	470 6
Otero	
Timpas Cheraw	24 29
Las Animas Model Augilar Trinidad	43 591 49
Huerfano	
Walsenburg	57
La Veta Gardner	155 82
	82
Custer Westcliff	24
Freemont Cotopaxi	49
TOTAL LOSS	2216

## AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

State of Georgia )
St. Simons Island ) ss:
County of Glynn )

RICHARD S. GRAHAM, JR. being duly sworn, deposes and says that he is an officer of Bromo Communications, Inc. Bromo has been engaged by KKTV, Inc., to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He is a graduate of Auburn University and has been active in broadcast engineering since 1972.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

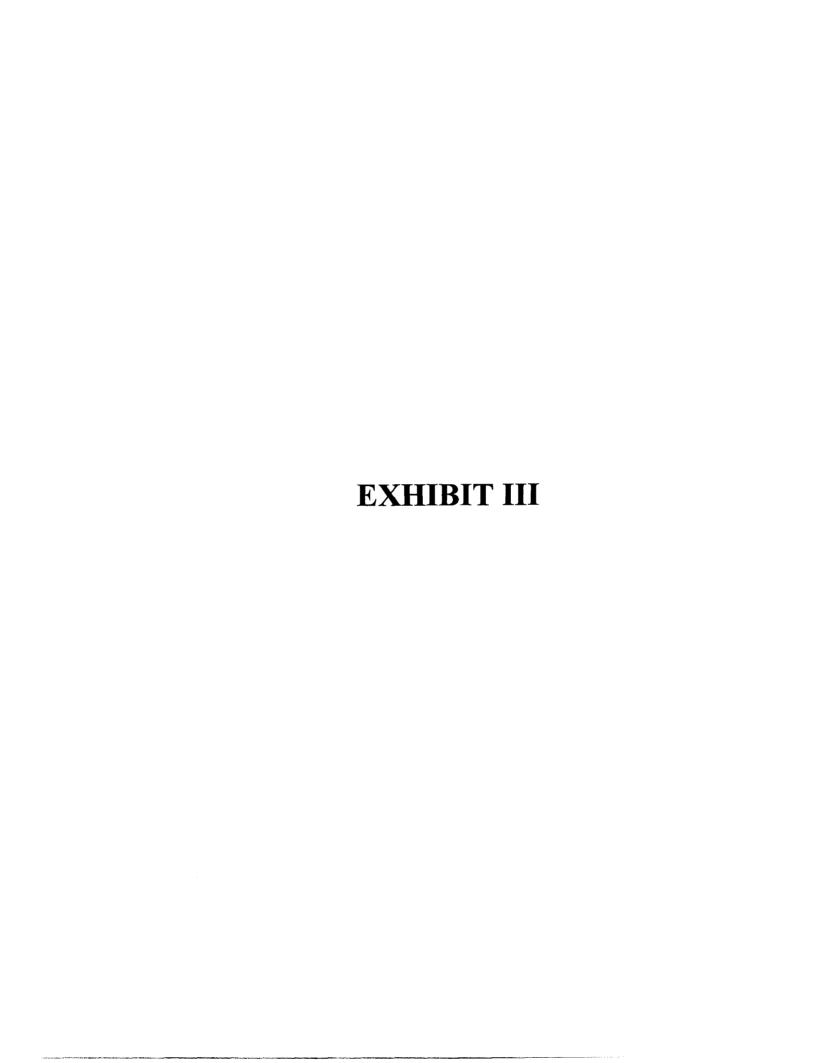
This the 2nd day of September, 1993.

Richard S. Graham, Jr. Affiant

Sworn to and subscribed before me this the 2nd day of September, 1983

Notary Mablio, State of apprela

My Commission Expires: September 8, 1995



TECHNICAL EXHIBIT IN SUPPORT OF
REPLY COMMENTS ON PROPOSED RULEMAKING
MM\_DOCKET #93-191
RM 8088 - KOAA/KTSC TELEVISION STATIONS
by: KKTV, INC.
COLORADO SPRINGS, COLORADO
September 1993

Technical Exhibit TE-1

Bromo Communications, Inc.
P.O. Box 21760 - 1331 Ocean Boulevard, Suite 201
St. Simons Island, Georgia 31522
(912) 638-5608

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# TECHNICAL EXHIBIT IN SUPPORT OF REPLY COMMENTS ON PROPOSED RULEMAKING MM DOCKET #93-191 RM 8088 - KOAA/KTSC TELEVISION STATIONS by: KKTV, INC. COLORADO SPRINGS, COLORADO September 1993

This Technical Exhibit supports the reply comments of KKTV, Inc., in MM Docket #93-191, RM 8088. MM Docket #93-191 requests to swap TV channels 8 and 5 in Pueblo, Colorado, and redesignate the channels for commercial/non-commercial service respectively. It is noted that KTSC holds a construction permit to relocate their transmission facilities to the north/northwest of their present licensed site.

An additional detailed population study was conducted to determine the additional net loss of population receiving primary commercial television service as a result of the exchange of television channels and KOAA utilizing the KTSC Construction Permit transmission facilities (BPET-900122KE). The primary off-the-air signal used in this analysis is the Grade 'B' contour as defined in §73.683(a) of the Commission's rules for the various channels. The population figures are manually extracted from the County, County Subdivision, and Place tabulations from the 1990 U.S. Census.

The KTSC Channel 8 Grade 'B' contour is 56 dBu (FCC 50/50). The KOAA Channel 5 Grade 'B' contour is 47 dBu (FCC

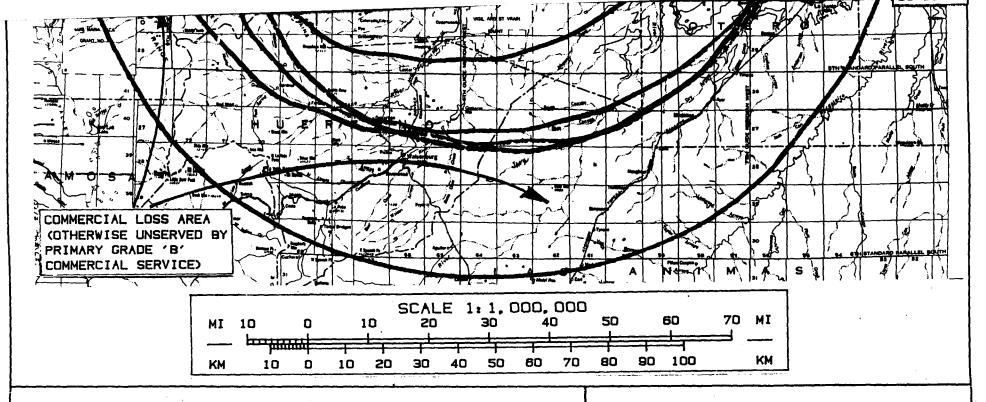
50/50). In analyzing this data, we are assuming that KOAA will assume operation of the KTSC Channel 8 construction permit transmitter facility.

Exhibit #1 is a map of Colorado with the pertinent areas of interest denoted for determining commercial service. Only those areas which do not otherwise receive primary, off-the-air commercial service are considered in this population loss study. In this analysis, the service area in each county subdivision was determined using a polar planimeter. The area which will lose Grade 'B' service was determined, again, using a polar planimeter. The general population served within the appropriate contour was then calculated assuming even distribution of population within the subdivision (excluding the population within the cities, places and CDPs). When appropriate, the population within the city, place and/or CDP was then added back to the general population figure calculated above. The resulting figures were tabulated in Exhibit #2.

Exhibit #3 is a map of Colorado with the pertinent areas of interest denoted for determining non-commercial service. This map is included to identify the areas which would be denied their only primary, off-the-air non-commercial service should the facilities specified in BPET-900122KE replace the licensed facility for KTSC. Consistent with the above analysis, those areas which do not otherwise receive primary,

off-the-air non-commercial service are considered in this population loss study. The resulting figures were tabulated in Exhibit #4.

It is noted that some 29,367 persons stand to lose their only primary, off-the-air commercial service by this exchange of channels and implementation of the Channel 8 construction permit on a commercial basis. It is further noted that should the channel swap not occur, 39,196 persons would lose their only primary, off-the-air non-commercial service by KTSC moving from their licensed to construction permit site and facility.



# COMMERCIAL SERVICE LOSS

MAP IS A PORTION OF THE USGS 1,000,000 SCALE MAP OF COLORADO

GRADE 'B' CONTOURS: .
CHANNEL 2-6 47 dBu .
CHANNEL 7-13 56 dBu
CHANNEL 14-89 84 dBu

EXHIBIT #1

KKTV, INC.

REPLY COMMENTS ON RM8088

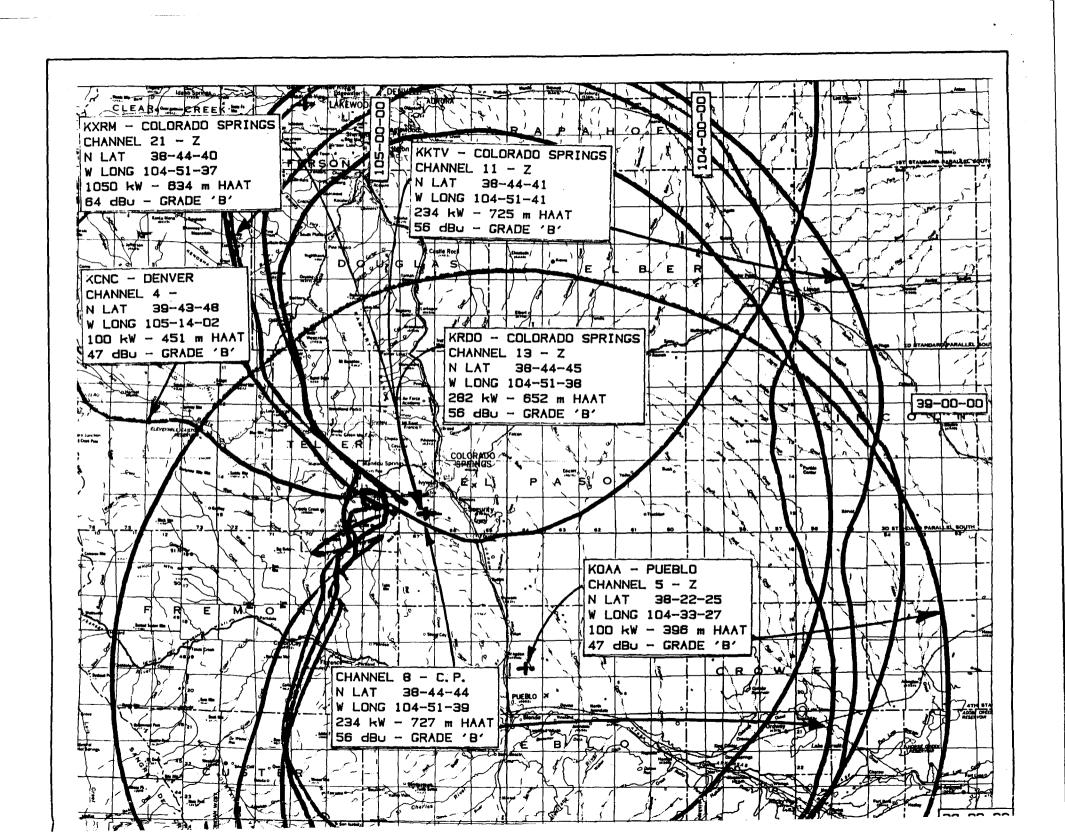
MM DOCKET #93-191

CHANNEL EXCHANGE
PUEBLO, COLORADO

SEPTEMBER 1993

BROMO TECHNICAL CONSULTANTS
COMMUNICATIONS

St Simons Island, Georgia



### TECHNICAL EXHIBIT IN SUPPORT OF REPLY COMMENTS ON PROPOSED RULEMAKING MM DOCKET #93-191

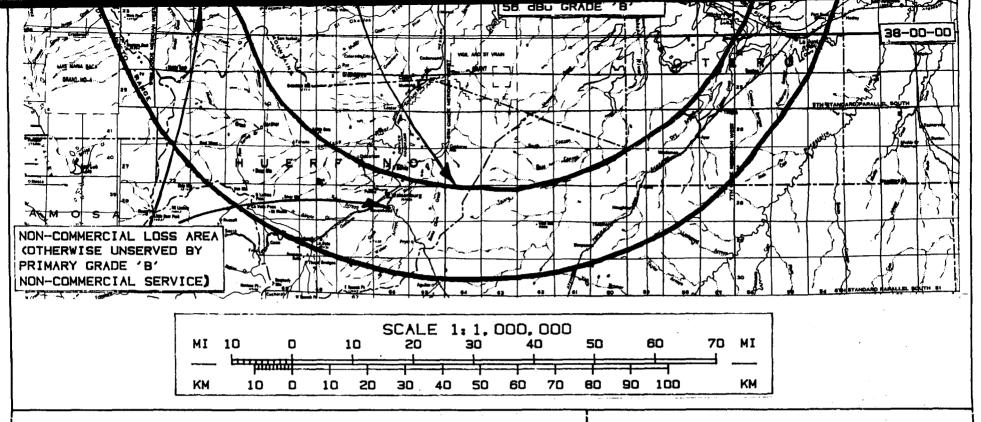
# MM DOCKET #93-191 RM 8088 - KOAA/KTSC TELEVISION STATIONS

by: KKTV, INC.
COLORADO SPRINGS, COLORADO
September 1993

# EXHIBIT #2

# COMMERCIAL SERVICE LOSS

COUNTY/SUBDIVISION	GAIN	(+)/L09	SS(-)
• • • • • • • • • • • • • • • • • • • •			
Alamosa			
Mosca-Hooper	_	297	
Bent		4000	
Las Animas	_	1003	
Purgatorie Costilla	_	13	
Blanca	_	113	
Custer	_	113	
Westcliff	_	1234	
Fremont	÷	1234	
Cotopaxi	-	1221	
Canon City	_	7296	
Huerfano	•	, 230	
Walsenburg		3672	
La Veta		1065	
Gardner	_	378	
Kiowa			
Hazwell	-	30	
Las Animas			
Mode1	_	102	
Augilar	-	764	
Trinidad		49	
Lincoln Karval		-	29
Otero			
Timpas	-	91	
Cheraw	-	1450	
La Junta	-	9204	
Park			
Lake George	_	193	
Saguache			
Saguache	-	72	
Teller			
Cripple Creek	-	1091	
TOTAL LOSS	_	29367	



# NON-COMMERCIAL SERVICE CHANGE

MAP IS A PORTION OF THE USGS 1,000,000 SCALE MAP OF COLORADO

GRADE 'B' CONTOURS: CHANNEL 2-6 47 dBu CHANNEL 7-13 56 dBu CHANNEL 14-69 64 dBu EXHIBIT #3

KKTV, INC.

REPLY COMMENTS ON RM8088

MM DOCKET #93-191

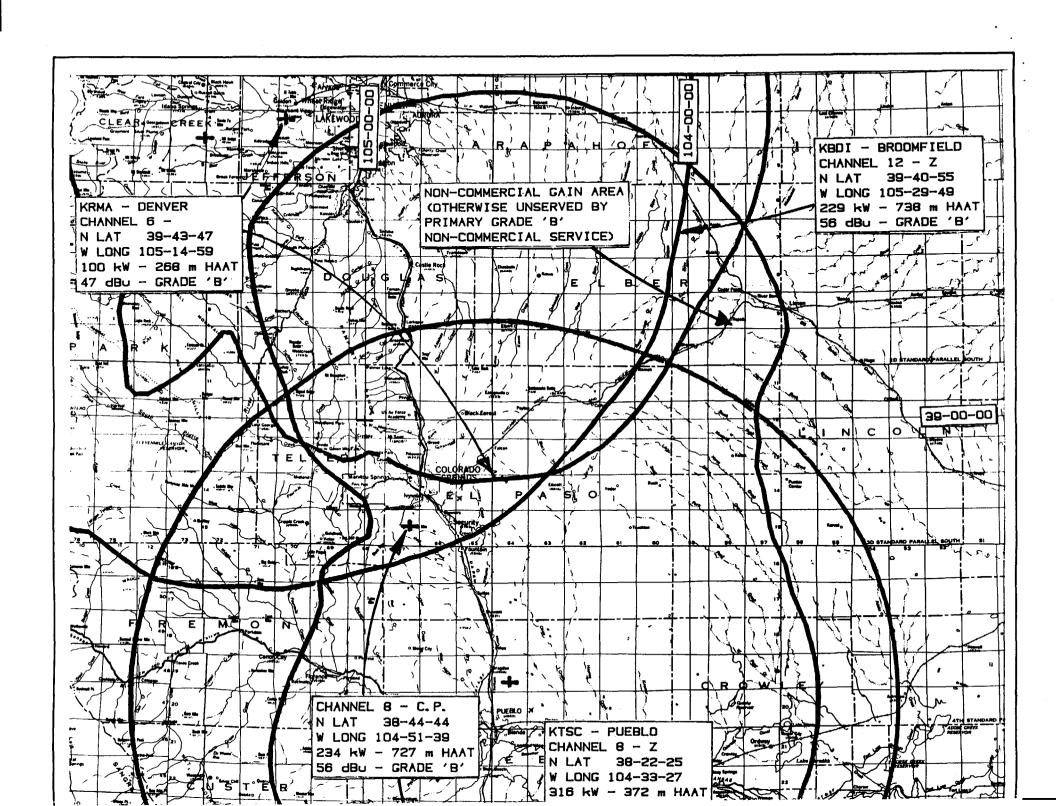
CHANNEL EXCHANGE

PUEBLO, COLORADO

SEPTEMBER 1993

# BROMO TECHNICAL CONSULTANTS COMMUNICATIONS

St Simons Island, Georgia



# TECHNICAL EXHIBIT IN SUPPORT OF REPLY COMMENTS ON PROPOSED RULEMAKING MM DOCKET #93-191

# RM 8088 - KOAA/KTSC TELEVISION STATIONS

by: KKTV, INC.

# COLORADO SPRINGS, COLORADO September 1993

### EXHIBIT #4

# NON-COMMERCIAL SERVICE GAIN/LOSS

COUNTY/SUBDIVISION GA	AIN(+)/LOSS(-)
Bent	
Las Animas	- 354
Purgatorie	- 1
Costilla	
Blanca	- 5
Crowley	
Sugar City	- 40
Custer	
Westcliff	- 1495
Elbert	
Agate	+ 32
Simla	+ 200
Fremont	
Canon City	-21665
Cotopaxi	- 673
Florence	- 464
Penrose/Portland	- 27
Huerfano	
Gardner	- 456
La Veta	- 938
Walsenberg	- 3567
Kiowa	
Hazwell	- 26
Las Animas	
Augilar	- 183
Mode1	- 52
Lincoln	
Hugo	- 12
Karval	- 157
Limon	+ 1887
Otero	
Cheraw	- 1916
<u>La</u> Junta	- 9204
Timpas	- 74
Saguache	•
Saguache	- 6
TOTAL LOSS	-39196

## AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

State of Georgia )
St. Simons Island ) ss:
County of Glynn )

RICHARD S. GRAHAM, JR. being duly sworn, deposes and says that he is an officer of Bromo Communications, Inc. Bromo has been engaged by KKTV, Inc., to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He is a graduate of Auburn University and has been active in broadcast engineering since 1972.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 17th day of September, 1993.

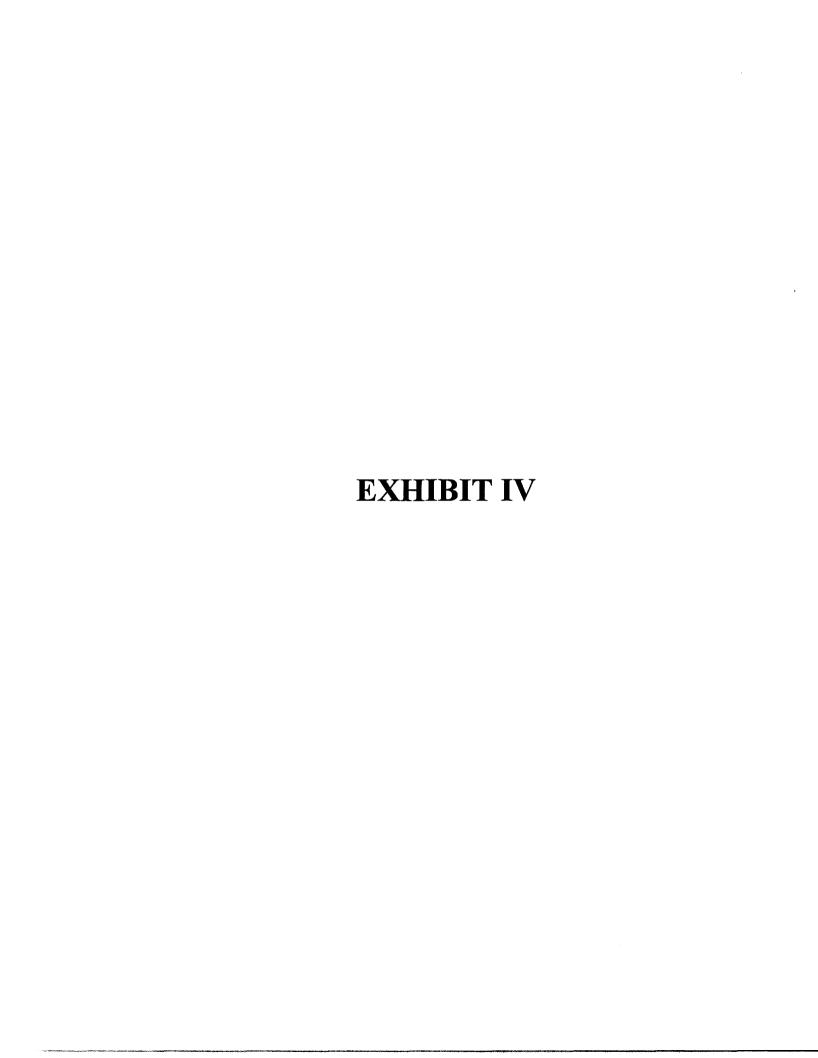
Richard S. Graham, Affiant

Jr.

Sworn to and subscribed before me this the 17th day of September, 1993

Notary Rublic, State of Georgia

My Commission Expires: September 8, 1995



COMMENTS TO RULEMAKING
MM Docket #93-191
KOAA/KTSC Television
By AK Media Group, Inc.
Colorado Springs, Colorado
October 1998

### INTRODUCTION

This study was made on behalf of AK Media Group, Inc. This Technical Exhibit supports the comments made in MM Docket #93-191, RM-8088. The comparison is between the present KOAA licensed facilities on Channel 5 and the proposed exchange with the facilities of educational KTSC, Channel 8. KTSC has listed a Construction Permit (BPET-900122KE) and a pending application (BMPET-931129KE) that proposes to change the Channel 8 facilities. The difference between the CP and Applications for KTSC is small. Since it is proposed to exchange Channel 5 from commercial to non-commercial and Channel 8 from non-commercial to commercial a change in the TV Allotment Table is necessary. This study assumes the results if such a change were made.

The licensed KOAA site to the KTSC (CP/App.) site is 49 km (30 miles) at 327°. Therefore, as can be expected, the Grade B contour will move north leaving a loss of rural areas to the south and a gain area into the Denver urbanized area toward the north. The loss area is quite large (see Exhibit #1) with no other commercial TV station providing service to the loss area. The population in the loss area will lose its only commercial off the air full service TV station. Both population and area (loss/gain) figures are included in our original comment and reply comment reports filed in September 1993. Those figures have not changed and we have not repeated that information in this report.

There are 15 widely separated TV Translator stations scattered in the loss area. Translator stations are a secondary service with these translator stations providing service to less than 14% of the overall commercial loss area. Translator stations have no protection from the mass of changes coming due to the additional digital television allocations. There is no guarantee how many, if any, of these translators will survive the effects of the new full power allocations on digital television. The KOAA loss area to the south is significant. Viewers must revert to a secondary means of receiving a commercial frequency assuming such secondary signals are available.

As mentioned above the gain area to the north is located in the Denver area.

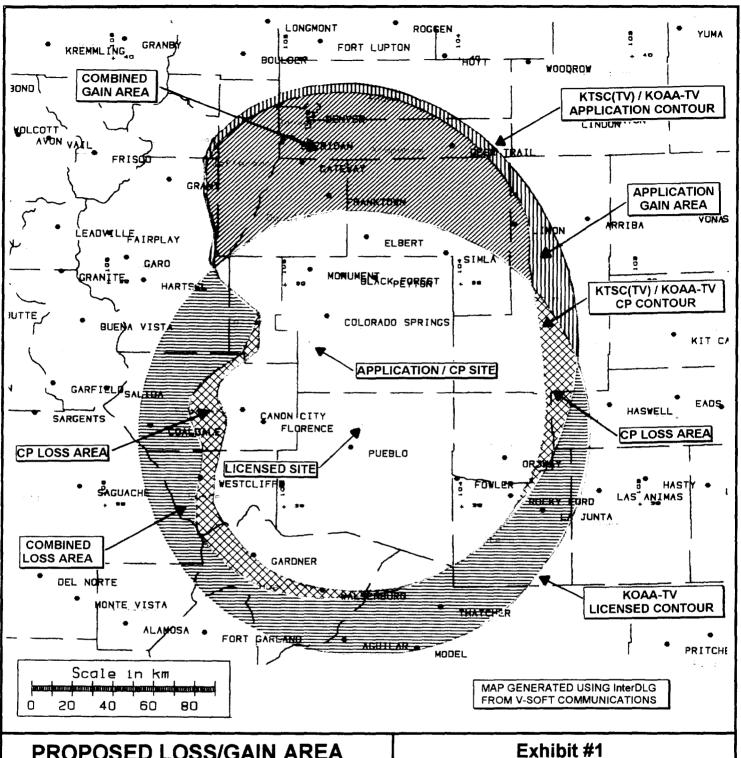
Exhibit # 2 shows the 17 TV stations providing Grade B or greater service to the gain area.

In Exhibit # 2 it is shown where the loss area does not receive a Grade B signal from any other commercial TV station. Therefore, primary commercial service will be lost to this area. The proponent states they plan to construct five new translators that will decrease the amount of lost service. However, this planned secondary service can not be considered at this point, as there is no guarantee these translators can or will ever become a reality.

**Bromo Communications. Inc.** 

William G. Brown

Consultant to AK Media Group, Inc.

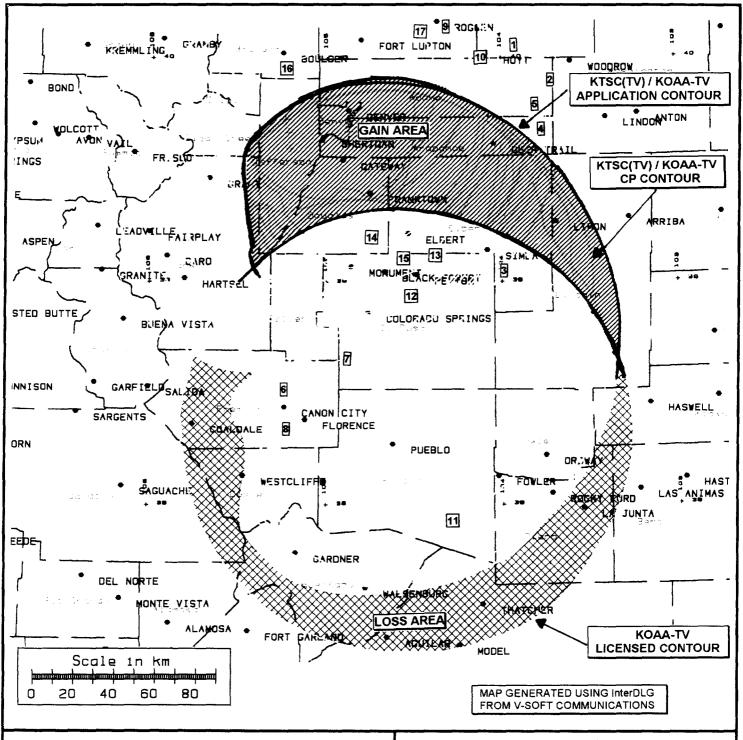


# PROPOSED LOSS/GAIN AREA

All contours assume Grade B for their respective channels.

# COMMENTS TO RULEMAKING MM Docket #93-191 KOAA/KTSC Television By AK Media Group, Inc. Colorado Springs, Colorado October 1998

**BROMO** BROADCAST TECHNICAL CONSULTANTS COMMUNICATIONS



# **AREA STATIONS IN GAIN AREA**

All contours assume Grade B for their respective channels.

Exhibit #2
COMMENTS TO RULEMAKING
MM Docket #93-191
KOAA/KTSC Television
By AK Media Group, Inc.
Colorado Springs, Colorado
October 1998

BROMO BROADCAST TECHNICAL CONSULTANTS COMMUNICATIONS

# Exhibit #2A COMMENTS TO RULEMAKING MM Docket #93-191 KOAA/KTSC Television By AK Media Group, Inc. Colorado Springs, Colorado October 1998

# AREA FULL SERVICE TELEVISION STATIONS PROVIDING SERVICE TV TO GAIN AREA

Ref # Call	Ch	Power	City of License
4 14104	•	0.4014	_
1. KUSA	9	316K	Denver
2. KWGN	2	100K	Denver
3. KCNC	4	100K	Denver
4. KRMA	6	100K	Denver
5. KMGH	7	100K	Denver
6. KKTV	11	234K	Colorado Spgs.
7. KBDI	12	229K	Broomfield
8. KRDO	13	282K	Colorado Spgs.
<ol><li>KTVJ (CP)</li></ol>	14	2400K	Boulder
10. KTVD	20	5000K	Denver
11. <b>KXRM</b>	21	1050K	Colorado Spgs.
12. KDEN (CP)	25	5000K	Longmont
13. KDVR	31	5000K	Denver
14. KRMT	41	741K	Denver
15. KCEC	50	2510K	Denver
16. KWHD	53	5000K	Castle Rock
17. <b>KPXC</b>	59	5000K	Denver
	REFEREN	CE STATIONS	
KOAA	5	100K	Pubelo
KTSC (AP)	8	240K	Pubelo
KTSC (CP)	8	234K	Pubelo

# Exhibit #3 COMMENTS TO RULEMAKING MM Docket #93-191 KOAA/KTSC Television By AK Media Group, Inc. Colorado Springs, Colorado October 1998

# TRANSLATORS LISTED IN THE LOSS AREA

1. K02AC	Aguilar Television Club	Commercial
2. K03FR	Univ. of Southern Colorado	Non-Commercial
3. K04IC	Pleasant Valley TV Club	Commercial
4. K04KB	Univ. of Southern Colorado	Non-Commercial
5. <b>K</b> 07 <b>BW</b>	Custer County	Non-Commercial
6. K07AG	Aguilar Television Club	Commercial
7. K07BU	Pleasant Valley TV Club	Commercial
8. K09DY	Custer County	Non-Commercial
9. K09AH	Aguilar Television Club	Commercial
10. K15EC	Sangre De Cristo Comm.	Commercial
11. <b>K</b> 35DZ	Full Gospel Outreach, Inc.	Non-Commercial
12. K44CI	Pikes Peak Broadcasting	Commercial
13. K53AR	Univ. of Southern Colorado	Non-Commercial
14. K57CY	Univ. of Southern Colorado	Non-Commercial
15. <b>K</b> 59CL	Univ. of Southern Colorado	Non-Commercial